

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

SENATE ENROLLED ACT No. 399

AN ACT to amend the Indiana Code concerning the federal decennial census.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 1-1-3.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 3. (a) ~~Except as provided in section 6 of this chapter, in any Indiana statute that classifies political subdivisions by population, For purposes of the statutes described in section 5(c) of this chapter, a reference to population is a reference to population as determined by the most recent of the following:~~

- (1) Federal decennial census.
- (2) Federal special census.
- (3) Special tabulation.
- (4) Corrected population count.

(b) For purposes of a noncode statute, a reference to population is the population determined by the most recent federal decennial census in effect before the passage of the statute, unless the population description in the statute is changed by subsequent legislation.

(c) For purposes of statutes not described in subsection (a) or (b), a reference to population is the population determined by the most recent federal decennial census in effect, unless the statute specifically provides otherwise.

(d) This subsection applies to a political subdivision located in more than one (1) county. If a political subdivision is described in



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a statute by reference to the county in which the political subdivision is located, the reference is to the county that contains a majority of the population of the political subdivision.

(e) The effective date of each:

- (1) federal decennial census;
- (2) federal special census;
- (3) special tabulation; or
- (4) corrected population count;

is April 1 of the calendar year following the year in which the tabulation of population or corrected population count is delivered to the state by the United States Secretary of Commerce under 13 U.S.C. 141 and received by the governor.

~~(b)~~ **(f)** Promptly upon receiving the tabulation of population or corrected population count, the governor shall issue an executive order:

- (1) evidencing the date of receipt; and
- (2) noting that the effective date of the tabulation of population or corrected population count for purposes of any statute described in this section is

~~(A)~~ April 1 of the following year. ~~or~~

~~(B)~~ the date prescribed by section 6 of this chapter.

SECTION 2. IC 1-1-4-5, AS AMENDED BY P.L.76-2001, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 5. The following definitions apply to the construction of all Indiana statutes, unless the construction is plainly repugnant to the intent of the general assembly or of the context of the statute:

- (1) "Adult", "of full age", and "person in his majority" mean a person at least eighteen (18) years of age.
- (2) "Attorney" includes a counselor or other person authorized to appear and represent a party in an action or special proceeding.
- (3) "Autism" means a neurological condition as described in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association.
- (4) "Bond" does not necessarily imply a seal.
- (5) "Clerk" means the clerk of the court or a person authorized to perform the clerk's duties.
- (6) "Health record", "hospital record", or "medical record" means written or printed information possessed by a provider (as defined in IC 16-18-2-295) concerning any diagnosis, treatment, or prognosis of the patient, unless otherwise defined. Except as otherwise provided, the terms include mental health records and drug and alcohol abuse records.



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- (7) "Highway" includes county bridges and state and county roads, unless otherwise expressly provided.
- (8) "Infant" or "minor" means a person less than eighteen (18) years of age.
- (9) "Inhabitant" may be construed to mean a resident in any place.
- (10) "Judgment" means all final orders, decrees, and determinations in an action and all orders upon which executions may issue.
- (11) "Land", "real estate", and "real property" include lands, tenements, and hereditaments.
- (12) "Mentally incompetent" means of unsound mind.
- (13) "Money demands on contract", when used in reference to an action, means an action arising out of contract when the relief demanded is a recovery of money.
- (14) "Month" means a calendar month, unless otherwise expressed.
- (15) **"Noncode statute" means a statute that is not codified as part of the Indiana Code.**
- (16) "Oath" includes "affirmation", and "to swear" includes to affirm.
- ~~(16)~~ (17) "Person" extends to bodies politic and corporate.
- ~~(17)~~ (18) "Personal property" includes goods, chattels, evidences of debt, and things in action.
- ~~(18)~~ (19) "Population" ~~refers to the population according to the most recent federal special or decennial census; special tabulation; or corrected population count effective under IC 1-1-3.5. This definition applies even if the reference is to the most recent federal decennial census.~~ **has the meaning set forth in IC 1-1-3.5-3.**
- ~~(19)~~ (20) "Preceding" and "following", referring to sections in statutes, mean the sections next preceding or next following that in which the words occur, unless some other section is designated.
- ~~(20)~~ (21) "Property" includes personal and real property.
- ~~(21)~~ (22) "Sheriff" means the sheriff of the county or another person authorized to perform sheriff's duties.
- ~~(22)~~ (23) "State", applied to any one of the United States, includes the District of Columbia and the commonwealths, possessions, states in free association with the United States, and the territories. "United States" includes the District of Columbia and the commonwealths, possessions, states in free association with the United States, and the territories.
- ~~(23)~~ (24) "Under legal disabilities" includes persons less than

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eighteen (18) years of age, mentally incompetent, or out of the United States.

~~(24)~~ **(25)** "Verified", when applied to pleadings, means supported by oath or affirmation in writing.

~~(25)~~ **(26)** "Will" includes a testament and codicil.

~~(26)~~ **(27)** "Without relief" in any judgment, contract, execution, or other instrument of writing or record, means without the benefit of valuation laws.

~~(27)~~ **(28)** "Written" and "in writing" include printing, lithographing, or other mode of representing words and letters. If the written signature of a person is required, the terms mean the proper handwriting of the person or the person's mark.

~~(28)~~ **(29)** "Year" means a calendar year, unless otherwise expressed.

~~(29)~~ **(30)** The definitions in IC 35-41-1 apply to all statutes relating to penal offenses.

SECTION 3. IC 2-5-16-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) The commission has the following membership:

(1) ~~One (1) member~~ **Ten (10) members** appointed by the governor. ~~from Each Indiana congressional district in Indiana~~ **must be represented by at least one (1) member appointed under this subdivision who is a resident of that congressional district.**

(2) Three (3) members appointed by the president pro tempore of the senate from among the members of the senate, not more than two (2) of whom may be affiliated with the same political party.

(3) Three (3) members appointed by the speaker of the house of representatives from among the members of the house, not more than two (2) of whom may be affiliated with the same political party.

(b) If a legislative member of the commission ceases to be a member of the chamber from which the member was appointed, the person ceases to be a member of the commission.

(c) The term of a member is two (2) years.

(d) If:

(1) the term of a member expires;

(2) the member is not reappointed; and

(3) a successor is not appointed;

the term of the member continues until a successor is appointed.

SECTION 4. IC 3-6-5-1, AS AMENDED BY P.L.144-2001, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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APRIL 1, 2002]: Sec. 1. (a) Except as provided in subsection (b), a board is established in each county of the state known as the (name of county) county election board.

(b) A county election board is not established in the following counties:

(1) A county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(2) ~~A county having a population of more than one hundred twenty-nine thousand (129,000) but less than one hundred thirty thousand six hundred (130,600):~~ **A county having a population of more than one hundred forty-eight thousand (148,000) but less than one hundred seventy thousand (170,000).**

SECTION 5. IC 3-6-5.4-1, AS ADDED BY P.L.144-2001, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 1. This chapter applies to ~~a county having a population of more than one hundred twenty-nine thousand (129,000) but less than one hundred thirty thousand six hundred (130,600):~~ **a county having a population of more than one hundred forty-eight thousand (148,000) but less than one hundred seventy thousand (170,000).**

SECTION 6. IC 3-10-6-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 2.5. (a) This section does not apply to a town located wholly or partially within a county having a consolidated city unless the town has a population of more than **one thousand (1,000) but less than** one thousand five hundred (1,500). ~~but less than one thousand seven hundred (1,700):~~

(b) This section applies to a town that has not adopted an ordinance:

(1) under IC 18-3-1-16(b) (before its repeal on September 1, 1981); or

(2) in 1982 under P.L.13-1982, SECTION 3 (before its expiration on January 1, 1988).

(c) Notwithstanding IC 3-10-6-6, a town may adopt an ordinance during the year preceding a municipal election conducted under section 2 of this chapter prescribing the length of the term of office for town legislative body members elected in the municipal election.

(d) The ordinance must provide that:

(1) no more than fifty percent (50%) of the members will be elected for terms of three (3) years beginning at noon January 1 following the municipal election under section 2 of this chapter; and

(2) the remainder of the members will be elected for terms of four

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(4) years beginning at noon January 1 following the election.

SECTION 7. IC 3-10-7-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 2.5. (a) This section does not apply to a town located wholly or partially within a county having a consolidated city unless the town has a population of more than **one thousand (1,000) but less than one thousand five hundred (1,500).** ~~but less than one thousand seven hundred (1,700).~~

(b) A town may adopt an ordinance under IC 3-10-6-2.5, if the town has not adopted an ordinance under IC 18-3-1-16(b) (before its repeal on September 1, 1981) or P.L.13-1982, SECTION 3 (before its expiration on January 1, 1988).

SECTION 8. IC 3-11-1.5-32.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 32.5. (a) This section applies to townships in a ~~county having a population of more than seven hundred thousand (700,000);~~ **county containing a consolidated city.**

(b) The legislative body of a township may not change the boundary of a legislative body district established under IC 36-6-6-2.5 after November 8 of the year preceding the year in which an election is held to elect township board members and before the day following the date on which an election is held to elect township board members.

SECTION 9. IC 4-4-11-16.1, AS ADDED BY P.L.291-2001, SECTION 146, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 16.1. (a) As used in this section and in IC 5-13-12-8.5, "leading Indiana business" means a business that:

(1) is incorporated in Indiana and headquartered in a county having a population of more than ~~sixty thousand (60,000) but less than sixty-four thousand (64,000);~~ **seventy-one thousand four hundred (71,400) but less than seventy-three thousand (73,000);**

(2) is a Fortune 500 company, as of April 16, 2001, when ranked by measures of revenues, profits, assets, stockholders' equity, market value, profit, and total return to investors;

(3) pays average wages and benefits that are not less than two hundred percent (200%) of the county average wage, calculated by the department of commerce, paid in the county in which the business is headquartered; and

(4) is a global business participating in international markets.

The term "leading Indiana business", as used in this section and in IC 5-13-12-8.5, also includes a joint venture, partnership, or other business entity partially or wholly owned by an Indiana business

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described in this subsection.

(b) As used in this section and in IC 5-13-12-8.5, "loan guarantee" means the guarantee of a loan, an obligation, or other form of commercial indebtedness.

(c) In addition to the other powers of the authority under section 16 of this chapter, the authority has authority to make a loan guarantee for a leading Indiana business jointly but not severally with the board for depositories under IC 5-13-12-8.5 in an amount not to exceed thirty-five million dollars (\$35,000,000).

(d) In addition to the authority's public purposes set forth in sections 2 and 15 of this chapter, a loan guarantee made under this section for the benefit of a leading Indiana business in conjunction with an industrial development project located outside Indiana is consistent with the authority's public purposes so long as the authority makes a written finding that the loan guarantee would accomplish the purposes of the authority by enabling a leading Indiana business to carry out an industrial development project that will do any of the following:

- (1) Improve the technological capacity or productivity of the leading Indiana business.
- (2) Enhance the protection of Indiana's environment.
- (3) Permit the leading Indiana business to expand facilities, establish new facilities, or make site or infrastructure improvements in Indiana.
- (4) Permit the leading Indiana business to preserve or retain jobs in Indiana, prevent economic insecurity resulting from unemployment or environmental pollution, or otherwise preserve the health, safety, morals, and general welfare of the state or the area of the state where the leading Indiana business is headquartered.

(e) The requirements and limitations of section 16 of this chapter, including the limitations in section 16(b) of this chapter, do not apply to a loan guarantee for a leading Indiana business under this section, except that the authority's share of or liability on any joint guarantee with the board for depositories shall not exceed two million dollars (\$2,000,000). In addition, the amount of a loan guarantee for a leading Indiana business under this section shall not be counted in determining the outstanding aggregate guaranty obligations under section 16(b) of this chapter.

(f) This section constitutes all the authority required for the authority to make a loan guarantee to a leading Indiana business. This section is in addition to, and not in limitation of, the authority's other powers heretofore or hereafter existing under this chapter to borrow

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money, issue bonds, and make contracts, guarantees, and loans, including leases, and use moneys in the guaranty fund.

(g) The general assembly finds that unique circumstances resulting from the globalization of the state's economy, the state's geographic location as the crossroads of America, and changes in federal environmental regulation create the need for providing a loan guarantee for leading Indiana businesses as provided in this section and in IC 5-13-12-8.5.

(h) This section expires December 31, 2002.

SECTION 10. IC 4-10-18-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 10. (a) The state board of finance may lend money from the fund to entities listed in subsections (e) through (j) for the purposes specified in those subsections.

(b) An entity must apply for the loan before May 1, 1989, in a form approved by the state board of finance. As part of the application, the entity shall submit a plan for its use of the loan proceeds and for the repayment of the loan. Within sixty (60) days after receipt of each application, the board shall meet to consider the application and to review its accuracy and completeness and to determine the need for the loan. The board shall authorize a loan to an entity that makes an application if the board approves its accuracy and completeness and determines that there is a need for the loan and an adequate method of repayment.

(c) The state board of finance shall determine the terms of each loan, which must include the following:

- (1) The duration of the loan, which must not exceed twelve (12) years.
- (2) The repayment schedule of the loan, which must provide that no payments are due during the first two (2) years of the loan.
- (3) A variable rate of interest to be determined by the board and adjusted annually. The interest rate must be the greater of:
 - (A) five percent (5%); or
 - (B) two-thirds ($\frac{2}{3}$) of the interest rate for fifty-two (52) week United States Treasury bills on the anniversary date of the loan, but not to exceed ten percent (10%).
- (4) The amount of the loan or loans, which may not exceed the maximum amounts established for the entity by this section.
- (5) Any other conditions specified by the board.

(d) An entity may borrow money under this section by adoption of an ordinance or a resolution and, as set forth in IC 5-1-14, may use any source of revenue to repay a loan under this section. This section

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constitutes complete authority for the entity to borrow from the fund. If an entity described in subsection (i) fails to make any repayments of a loan, the amount payable shall be withheld by the auditor of state from any other money payable to the consolidated city. If any other entity described in this section fails to make any repayments of a loan, the amount payable shall be withheld by the auditor of state from any other money payable to the entity. The amount withheld shall be transferred to the fund to the credit of the entity.

(e) A loan under this section may be made to a city located in a county having a population of more than ~~twenty-three thousand five hundred (23,500)~~ but less than ~~twenty-three thousand six hundred fifty (23,650)~~ **twenty-four thousand (24,000)** but less than **twenty-five thousand (25,000)** for the city's waterworks facility. The amount of the loan may not exceed one million six hundred thousand dollars (\$1,600,000).

(f) A loan under this section may be made to a city the territory of which is included in part within the Lake Michigan corridor (as defined in IC 14-13-3-2) for a marina development project. As a part of its application under subsection (b), the city must include the following:

- (1) Written approval by the Lake Michigan marina development commission of the project to be funded by the loan proceeds.
- (2) A written determination by the commission of the amount needed by the city, for the project and of the amount of the maximum loan amount under this subsection that should be lent to the city.

The maximum amount of loans available for all cities that are eligible for a loan under this subsection is eight million six hundred thousand dollars (\$8,600,000).

(g) A loan under this section may be made to a county having a population of more than ~~one hundred sixty thousand (160,000)~~ but less than ~~two hundred thousand (200,000)~~ **one hundred seventy thousand (170,000)** but less than **one hundred eighty thousand (180,000)** for use by the airport authority in the county for the construction of runways. The amount of the loan may not exceed seven million dollars (\$7,000,000). The county may lend the proceeds of its loan to an airport authority for the public purpose of fostering economic growth in the county.

(h) A loan under this section may be made to a city having a population of more than ~~fifty thousand (50,000)~~ but less than ~~fifty-eight thousand (58,000)~~ **fifty-nine thousand (59,000)** but less than **fifty-nine thousand seven hundred (59,700)** for the construction of parking facilities. The amount of the loan may not exceed three million



dollars (\$3,000,000).

(i) A loan or loans under this section may be made to a consolidated city, a local public improvement bond bank, or any board, authority, or commission of the consolidated city, to fund economic development projects under IC 36-7-15.2-5 or to refund obligations issued to fund economic development projects. The amount of the loan may not exceed thirty million dollars (\$30,000,000).

(j) A loan under this section may be made to a county having a population of more than ~~twelve thousand six hundred (12,600)~~ but less than ~~thirteen thousand (13,000)~~ **thirteen thousand five hundred (13,500)** but less than **fourteen thousand (14,000)** for extension of airport runways. The amount of the loan may not exceed three hundred thousand dollars (\$300,000).

(k) IC 6-1.1-20 does not apply to a loan made by an entity under this section.

(l) As used in this section, "entity" means a governmental entity authorized to obtain a loan under subsections (e) through (j).

SECTION 11. IC 4-23-24.1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. The commission consists of fourteen (14) members, appointed as follows:

(1) Ten (10) members who are Indiana residents appointed by the governor. ~~Not more than~~ **Each Indiana congressional district must be represented by at least one (1) member individual** appointed under this subdivision ~~may be from the same who is a~~ **resident of that** congressional district. Not more than five (5) members appointed under this subdivision may be members of the same political party.

(2) Four (4) members of the general assembly who are appointed under section 5 of this chapter.

SECTION 12. IC 5-1-14-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 7. (a) This section applies to:

(1) each county having a population of more than ~~one hundred sixty thousand (160,000)~~ but less than ~~two hundred thousand (200,000)~~; **one hundred seventy thousand (170,000) but less than one hundred eighty thousand (180,000)**; and

(2) each second class city located in such a county.

(b) As used in this section, "stadium" means a structure used for athletic, recreational, cultural, and community events.

(c) Notwithstanding any other law, a stadium constitutes a:

(1) government building under IC 36-9-13;

(2) structure under IC 36-1-10;



- (3) park purpose under IC 36-10-1;
- (4) park improvement under IC 36-10-4; and
- (5) redevelopment project or purpose under IC 36-7-14.

(d) Notwithstanding any other law, a legislative body of a city may levy a tax in the park district established under IC 36-10-4 to pay lease rentals to a lessor of a stadium under IC 36-1-10 or IC 36-9-13.

SECTION 13. IC 5-1.4-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 5. "City" refers to:

- (1) a consolidated city;
- (2) a city of the second class; or
- (3) a city **with having** a population of more than **four thousand two hundred (4,200) but less than five thousand (5,000) located in a county having a population of more than thirty-eight thousand five hundred (38,500) but less than thirty-nine thousand (39,000): four thousand six hundred fifty (4,650) but less than five thousand (5,000).**

SECTION 14. IC 5-13-9-2, AS AMENDED BY P.L.212-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 2. (a) Each officer designated in section 1 of this chapter may invest or reinvest any funds that are held by the officer and available for investment in any of the following:

- (1) Securities backed by the full faith and credit of the United States Treasury or fully guaranteed by the United States and issued by any of the following:
 - (A) The United States Treasury.
 - (B) A federal agency.
 - (C) A federal instrumentality.
 - (D) A federal government sponsored enterprise.
- (2) Discount notes issued by any of the following:
 - (A) A federal agency.
 - (B) A federal instrumentality.
 - (C) A federal government sponsored enterprise.

(b) If an investment under subsection (a)(1) is made at a cost in excess of the par value of the securities purchased, any premium paid for the securities shall be deducted from the first interest received and returned to the fund from which the investment was purchased, and only the net amount is considered interest income.

(c) The officer making the investment may sell any securities acquired and may do anything necessary to protect the interests of the funds invested, including the exercise of exchange privileges which may be granted with respect to maturing securities in cases where the new securities offered in exchange meet the requirements for initial

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investment.

(d) The investing officers of the political subdivisions are the legal custodians of securities under this chapter. They shall accept safekeeping receipts or other reporting for securities from:

- (1) a duly designated depository as prescribed in this article; or
- (2) a financial institution located either in or out of Indiana having custody of securities with a combined capital and surplus of at least ten million dollars (\$10,000,000) according to the last statement of condition filed by the financial institution with its governmental supervisory body.

(e) The state board of accounts may rely on safekeeping receipts or other reporting from any depository or financial institution.

(f) In addition to any other investments allowed under this chapter, an officer of a conservancy district located in a city having a population of more than ~~four thousand three hundred (4,300)~~ but less than ~~four thousand six hundred (4,600)~~ **four thousand six hundred fifty (4,650) but less than five thousand (5,000)** may also invest in:

- (1) municipal securities; and
- (2) equity securities;

having a stated final maturity of any number of years or having no stated final maturity. The total investments outstanding under this subsection may not exceed twenty-five percent (25%) of the total portfolio of funds invested by the officer of a conservancy district. However, an investment that complies with this subsection when the investment is made remains legal even if a subsequent decrease in the total portfolio invested by the officer of a conservancy district causes the percentage of investments outstanding under this subsection to exceed twenty-five percent (25%).

(g) In addition to any other investments allowed under this chapter, a clerk-treasurer of a town with a population of more than ~~four thousand (4,000)~~ but less than ~~five thousand (5,000)~~ in a county having a population of more than ~~seventy-five thousand (75,000)~~ but less than ~~seventy-eight thousand (78,000)~~ **six thousand three hundred (6,300) but less than ten thousand (10,000)** located in a county having a population of more than ~~one hundred thousand (100,000)~~ but less than ~~one hundred five thousand (105,000)~~ may also invest money in a host community agreement future fund established by ordinance of the town in:

- (1) municipal securities; and
- (2) equity securities;

having a stated final maturity of any number of years or having no stated final maturity. The total investments outstanding under this

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subsection may not exceed twenty-five percent (25%) of the total portfolio of funds invested by the clerk-treasurer of a town. However, an investment that complies with this subsection when the investment is made remains legal even if a subsequent decrease in the total portfolio invested by the clerk-treasurer of a town causes the percentage of investments outstanding under this subsection to exceed twenty-five percent (25%).

SECTION 15. IC 5-13-9-5.6, AS AMENDED BY P.L.212-1999, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 5.6. Except for investments allowed under section 2(f) or 2(g) of this chapter, investments made under this chapter must have a stated final maturity of not more than:

- (1) five (5) years for a conservancy district located in a city having a population of more than ~~four thousand three hundred (4,300)~~ but less than ~~four thousand six hundred (4,600)~~; **four thousand six hundred fifty (4,650) but less than five thousand (5,000)**;
- (2) five (5) years for investments made from a host community agreement future fund established by ordinance of a town with a population of more than ~~four thousand (4,000)~~ but less than ~~five thousand (5,000)~~ in a county having a population of more than ~~seventy-five thousand (75,000)~~ but less than ~~seventy-eight thousand (78,000)~~; **six thousand three hundred (6,300) but less than ten thousand (10,000)** located in a county having a population of more than ~~one hundred thousand (100,000)~~ but less than ~~one hundred five thousand (105,000)~~; or
- (3) two (2) years for a fund or political subdivision not described in subdivision (1) or (2);

after the date of purchase or entry into a repurchase agreement.

SECTION 16. IC 6-1.1-10-16.5, AS ADDED BY P.L.2-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 16.5. (a) This section applies to real property located in the following:

- (1) A county having a population of more than ~~eighteen thousand five hundred (18,500)~~ but less than ~~eighteen thousand eight hundred twenty (18,820)~~; **twenty thousand (20,000) but less than twenty thousand three hundred (20,300)**.
- (2) A county having a population of more than ~~twenty-three thousand (23,000)~~ but less than ~~twenty-three thousand five hundred (23,500)~~; **twenty-five thousand (25,000) but less than twenty-five thousand five hundred (25,500)**.
- (b) A tract of real property owned by a nonprofit public benefit



corporation (as defined in IC 23-17-2-23) is exempt from property taxation if all of the following apply:

- (1) The tract is located:
 - (A) under a lake or reservoir; or
 - (B) adjacent to a lake or reservoir.
- (2) The lake or reservoir under which or adjacent to which the tract is located was formed by a dam or control structure owned and operated by a public utility for the generation of hydroelectric power.
- (3) The public benefit corporation that owns the tract is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code and has maintained its tax exempt status for the previous three (3) years.
- (4) The public benefit corporation that owns the tract is primarily engaged in active efforts to protect and enhance the environment and water quality of the lake or reservoir under which or adjacent to which the tract is located in order to facilitate the public recreational use of the lake or reservoir.

(c) A tract of real property owned by a nonprofit public benefit corporation described in subsection (b) is exempt from property taxation if the tract is used by the public benefit corporation in the public benefit corporation's efforts to enhance the environment and water quality of a lake or reservoir described in subsection (b).

SECTION 17. IC 6-1.1-12.1-4.7, AS AMENDED BY P.L.205-2001, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 4.7. (a) Section 4.5(f) of this chapter does not apply to new manufacturing equipment located in a township that

- (1) has a population of more than three thousand five hundred (3,500) but less than four thousand three hundred (4,300); and
- (2) is located in a county having a population of more than thirty-five thousand (35,000) but less than thirty-seven thousand (37,000);

having a population of more than four thousand (4,000) but less than seven thousand (7,000) located in a county having a population of more than forty thousand (40,000) but less than forty thousand nine hundred (40,900) if the total original cost of all new manufacturing equipment placed into service by the owner during the preceding sixty (60) months exceeds fifty million dollars (\$50,000,000), and if the economic revitalization area in which the new manufacturing equipment was installed was approved by the designating body before September 1, 1994.

(b) Section 4.5(f) of this chapter does not apply to new

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manufacturing equipment located in a county having a population of more than ~~thirty-one thousand five hundred (31,500)~~ but less than ~~thirty-two thousand (32,000)~~ **thirty-two thousand (32,000) but less than thirty-three thousand (33,000)** if:

- (1) the total original cost of all new manufacturing equipment placed into service in the county by the owner exceeds five hundred million dollars (\$500,000,000); and
- (2) the economic revitalization area in which the new manufacturing equipment was installed was approved by the designating body before January 1, 2001.

(c) A deduction under section 4.5(d) of this chapter is not allowed with respect to new manufacturing equipment described in subsection (b) in the first year the deduction is claimed or in subsequent years as permitted by section 4.5(d) of this chapter to the extent the deduction would cause the assessed value of all real property and personal property of the owner in the taxing district to be less than the incremental net assessed value for that year.

(d) The following apply for purposes of subsection (c):

(1) A deduction under section 4.5(d) of this chapter shall be disallowed only with respect to new manufacturing equipment installed after March 1, 2000.

(2) "Incremental net assessed value" means the sum of:

(A) the net assessed value of real property and depreciable personal property from which property tax revenues are required to be held in trust and pledged for the benefit of the owners of bonds issued by the redevelopment commission of a county described in subsection (b) under resolutions adopted November 16, 1998, and July 13, 2000 (as amended November 27, 2000); plus

(B) fifty-four million four hundred eighty-one thousand seven hundred seventy dollars (\$54,481,770).

(3) The assessed value of real property and personal property of the owner shall be determined after the deductions provided by sections 3 and 4.5 of this chapter.

(4) The personal property of the owner shall include inventory.

(5) The amount of deductions provided by section 4.5 of this chapter with respect to new manufacturing equipment that was installed on or before March 1, 2000, shall be increased from thirty-three and one-third percent (33 1/3%) of true tax value to one hundred percent (100%) of true tax value for assessment dates after February 28, 2001.

(e) A deduction not fully allowed under subsection (c) in the first

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year the deduction is claimed or in a subsequent year permitted by section 4.5 of this chapter shall be carried over and allowed as a deduction in succeeding years. A deduction that is carried over to a year but is not allowed in that year under this subsection shall be carried over and allowed as a deduction in succeeding years. The following apply for purposes of this subsection:

(1) A deduction that is carried over to a succeeding year is not allowed in that year to the extent that the deduction, together with:

- (A) deductions otherwise allowed under section 3 of this chapter;
- (B) deductions otherwise allowed under section 4.5 of this chapter; and
- (C) other deductions carried over to the year under this subsection;

would cause the assessed value of all real property and personal property of the owner in the taxing district to be less than the incremental net assessed value for that year.

(2) Each time a deduction is carried over to a succeeding year, the deduction shall be reduced by the amount of the deduction that was allowed in the immediately preceding year.

(3) A deduction may not be carried over to a succeeding year under this subsection if such year is after the period specified in section 4.5(d) of this chapter or the period specified in a resolution adopted by the designating body under section 4.5(h) of this chapter.

SECTION 18. IC 6-1.1-12.1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 10. (a) This section applies to a town having a population of more than ~~two thousand four hundred (2,400)~~ but less than five thousand (5,000) that is located in a county having a population of more than twenty-five thousand (25,000) but less than twenty-nine thousand (29,000): **two thousand five hundred (2,500) located in a county having a population of more than twenty-seven thousand five hundred seventy-five (27,575) but less than twenty-nine thousand (29,000).**

(b) Notwithstanding ~~section~~ **sections** 3 and ~~section~~ 4.5 of this chapter, the submission of a statement of benefits to a designating body subsequent to the installation of new manufacturing equipment and the initiation of the rehabilitation or redevelopment of real estate and the designating body's retroactive approval of that statement of benefits are legalized and validated for 1993 and subsequent assessment years, subject to the limitations set forth in section 5(e) of this chapter.



SECTION 19. IC 6-1.1-17-5, AS AMENDED BY P.L.178-2001, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 5. (a) The officers of political subdivisions shall meet each year to fix the budget, tax rate, and tax levy of their respective subdivisions for the ensuing budget year as follows:

- (1) The fiscal body of a consolidated city and county, not later than the last meeting of the fiscal body in September.
- (2) The fiscal body of a second class city, not later than September 30.
- (3) The board of school trustees of a school corporation that is located in a ~~city having a population of more than ninety thousand (90,000) but less than one hundred ten thousand (110,000);~~ **city having a population of more than one hundred five thousand (105,000) but less than one hundred twenty thousand (120,000),** not later than the time required in section 5.6 of this chapter.
- (4) The proper officers of all other political subdivisions, not later than September 20.

Except in a consolidated city and county and in a second class city, the public hearing required by section 3 of this chapter must be completed at least ten (10) days before the proper officers of the political subdivision meet to fix the budget, tax rate, and tax levy. In a consolidated city and county and in a second class city, that public hearing, by any committee or by the entire fiscal body, may be held at any time after introduction of the budget.

(b) Ten (10) or more taxpayers may object to a budget, tax rate, or tax levy of a political subdivision fixed under subsection (a) by filing an objection petition with the proper officers of the political subdivision not more than seven (7) days after the hearing. The objection petition must specifically identify the provisions of the budget, tax rate, and tax levy to which the taxpayers object.

(c) If a petition is filed under subsection (b), the fiscal body of the political subdivision shall adopt with its budget a finding concerning the objections in the petition and any testimony presented at the adoption hearing.

(d) This subsection does not apply to a school corporation. Each year at least two (2) days before the first meeting of the county board of tax adjustment held under IC 6-1.1-29-4, a political subdivision shall file with the county auditor:

- (1) a statement of the tax rate and levy fixed by the political subdivision for the ensuing budget year;
- (2) two (2) copies of the budget adopted by the political

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subdivision for the ensuing budget year; and

(3) two (2) copies of any findings adopted under subsection (c). Each year the county auditor shall present these items to the county board of tax adjustment at the board's first meeting.

(e) In a consolidated city and county and in a second class city, the clerk of the fiscal body shall, notwithstanding subsection (d), file the adopted budget and tax ordinances with the county board of tax adjustment within two (2) days after the ordinances are signed by the executive, or within two (2) days after action is taken by the fiscal body to override a veto of the ordinances, whichever is later.

SECTION 20. IC 6-1.1-18.5-9.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 9.5. (a) This section applies to civil taxing units located in a county having a population of more than ~~one hundred seven thousand (107,000)~~ but less than ~~one hundred eight thousand (108,000)~~; **one hundred ten thousand (110,000) but less than one hundred fifteen thousand (115,000).**

(b) The ad valorem property tax levy limits imposed by section 3 of this chapter do not apply to ad valorem property taxes imposed by a civil taxing unit under IC 8-10-5-17. For purposes of computing the ad valorem property tax levy limit imposed on a civil taxing unit under section 3 of this chapter, the civil taxing unit's ad valorem property tax levy for a particular calendar year does not include that part of the levy imposed under IC 8-10-5-17.

SECTION 21. IC 6-1.1-21.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 1. As used in this chapter, "qualified taxing unit" means each of the following:

(1) A city having a population of more than ~~thirty-three thousand eight hundred fifty (33,850)~~ but less than ~~thirty-five thousand (35,000)~~; **thirty-two thousand (32,000) but less than thirty-two thousand eight hundred (32,800).**

(2) The sanitary district of a city described in subdivision (1).

(3) The library district of a city described in subdivision (1).

(4) The school corporation located in a city described in subdivision (1).

SECTION 22. IC 6-1.1-24-1.2, AS AMENDED BY P.L.1-1999, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 1.2. (a) Except as provided in subsection (c), a tract or an item of real property may not be removed from the list certified under section 1 of this chapter before the tax sale unless all delinquent taxes, special assessments, penalties due on the delinquency, interest, and costs directly attributable to the tax sale have been paid in full.



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(b) A county treasurer may accept partial payments of delinquent property taxes, assessments, penalties, interest, or costs under subsection (a) after the list of real property is certified under section 1 of this chapter.

(c) The county auditor in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) may remove a tract or an item of real property from the list certified under section 1 of this chapter before the tax sale if the county treasurer and the taxpayer agree to a mutually satisfactory arrangement for the payment of the delinquent taxes.

(d) The county treasurer may remove the tract or item from the list certified under section 1 of this chapter if the arrangement described in subsection (c):

- (1) is in writing;
- (2) is signed by the taxpayer; and
- (3) requires the taxpayer to pay the delinquent taxes in full within one (1) year of the date the agreement is signed.

(e) If the taxpayer fails to make a payment under the arrangement described in subsection (c), the county auditor shall immediately place the tract or item of real property on the list of real property eligible for sale at a tax sale.

(f) If the tract or item of real property subject to a payment arrangement is within the jurisdiction of a:

- (1) city having a population of more than ~~one hundred ten thousand (110,000)~~ but less than one hundred twenty thousand ~~(120,000)~~; **ninety thousand (90,000) but less than one hundred five thousand (105,000)**;
- (2) city having a population of more than ~~thirty-three thousand eight hundred fifty (33,850)~~ but less than ~~thirty-five thousand (35,000)~~ located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); **thirty-two thousand (32,000) but less than thirty-two thousand eight hundred (32,800)**; or
- (3) city having a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000);

the county auditor shall notify the mayor of the city of the arrangement.

SECTION 23. IC 6-3.1-10-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 4. (a) As used in this chapter, "taxpayer" means any individual that has any state tax liability.

(b) Notwithstanding subsection (a), for a credit for a qualified investment in a business located in an enterprise zone in a county having a population of more than ~~one hundred thousand (100,000)~~ but

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~~less than one hundred seven thousand (107,000); one hundred five thousand (105,000) but less than one hundred ten thousand (110,000)~~, "taxpayer" includes a pass through entity.

SECTION 24. IC 6-3.1-13-27, AS ADDED BY P.L.114-2000, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 27. (a) Subject to all other requirements of this chapter, the board may award a tax credit under this chapter to a nonprofit organization that is a high growth company with high skilled jobs (as defined in IC 4-4-10.9-9.5) if:

(1) the nonprofit organization:

(A) is a taxpayer (as defined in section 10 of this chapter); and

(B) meets all requirements of this chapter; and

(2) all of the following conditions are satisfied:

(A) The wages of at least seventy-five percent (75%) of the organization's total workforce in Indiana must be equal to at least two hundred percent (200%) of the average county wage, as determined by the department of commerce, in the county where the project for which the credit is granted will be located.

(B) The organization must make an investment of at least fifty million dollars (\$50,000,000) in capital assets.

(C) The affected political subdivision must provide substantial financial assistance to the project.

(D) The incremental payroll attributable to the project must be at least ten million dollars (\$10,000,000) annually.

(E) The organization agrees to pay the ad valorem property taxes on the organization's real and personal property that would otherwise be exempt under IC 6-1.1-10.

(F) The organization does not receive any deductions from the assessed value of the organization's real and personal property under IC 6-1.1-12 or IC 6-1.1-12.1.

(G) The organization pays all of the organization's ad valorem property taxes to the taxing units in the taxing district in which the project is located.

(H) The project for which the credit is granted must be located in a county having a population of more than ~~one hundred eight thousand (108,000) but less than one hundred eight thousand nine hundred fifty (108,950); one hundred eighty thousand (180,000) but less than one hundred eighty-two thousand seven hundred ninety (182,790).~~

(b) Notwithstanding section 6(a) of this chapter, the board may award credits to an organization under subsection (a) if:

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- (1) the organization met all other conditions of this chapter at the time of the applicant's location or expansion decision;
- (2) the applicant is in receipt of a letter from the department of commerce stating an intent to pursue a credit agreement; and
- (3) the letter described in subdivision (2) is issued by the department of commerce not later than January 1, 2000.

SECTION 25. IC 6-3.1-13.5-3, AS ADDED BY P.L.291-2001, SECTION 177, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 3. As used in this chapter, "qualified investment" means the amount of the taxpayer's expenditures for:

- (1) the purchase of new manufacturing or production equipment;
- (2) the purchase of new computers and related equipment;
- (3) costs associated with the modernization of existing manufacturing facilities;
- (4) onsite infrastructure improvements;
- (5) the construction of new manufacturing facilities;
- (6) costs associated with retooling existing machinery and equipment; and
- (7) costs associated with the construction of special purpose buildings and foundations for use in the computer, software, biological sciences, or telecommunications industry;

that are certified by the department under section 10 of this chapter as being eligible for the credit under this chapter, if the equipment, machinery, facilities improvements, facilities, buildings, or foundations are installed or used for a project having an estimated total cost of at least seventy-five million dollars (\$75,000,000) and in a county having a population of more than ~~forty thousand (40,000)~~ but less than ~~forty-one thousand (41,000)~~ **forty-three thousand (43,000) but less than forty-five thousand (45,000)**.

SECTION 26. IC 6-3.5-1.1-3.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 3.1. (a) The county council may decrease the county adjusted gross income tax rate imposed upon the resident county taxpayers of the county. To decrease the rate, the county council must, after January 1 but before April 1 of a year, adopt an ordinance. The ordinance must substantially state the following:

"The _____ County Council decreases the county adjusted gross income tax rate imposed upon the resident county taxpayers of the county from _____ percent (____%) to _____ percent (____%). This tax rate decrease takes effect July 1 of this year."

(b) A county council may not decrease the county adjusted gross

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income tax rate if the county or any commission, board, department, or authority that is authorized by statute to pledge the county adjusted gross income tax has pledged the county adjusted gross income tax for any purpose permitted by IC 5-1-14 or any other statute.

(c) Any ordinance adopted under this section takes effect July 1 of the year the ordinance is adopted.

(d) The auditor of a county shall record all votes taken on ordinances presented for a vote under the authority of this section and immediately send a certified copy of the results to the department by certified mail.

(e) Notwithstanding IC 6-3.5-7, and except as provided in subsection (f), a county council that decreases the county adjusted gross income tax rate in a year may not in the same year adopt or increase the county economic development income tax under IC 6-3.5-7.

(f) This subsection applies only to a county having a population of more than ~~one hundred seven thousand (107,000)~~ but less than ~~one hundred eight thousand (108,000)~~: **one hundred ten thousand (110,000) but less than one hundred fifteen thousand (115,000)**. The county council may adopt or increase the county economic development income tax rate under IC 6-3.5-7 in the same year that the county council decreases the county adjusted gross income tax rate if the county economic development income tax rate plus the county adjusted gross income tax rate in effect after the county council decreases the county adjusted gross income tax rate is less than the county adjusted gross income tax rate in effect before the adoption of an ordinance under this section decreasing the rate of the county adjusted gross income tax.

SECTION 27. IC 6-3.5-6-17.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 17.4. (a) This section applies only to a county having a population of more than ~~thirty-six thousand seven hundred (36,700)~~ but less than ~~thirty-seven thousand (37,000)~~: **thirty-six thousand seventy-five (36,075) but less than thirty-seven thousand (37,000)**.

(b) The county income tax council of a county may adopt an ordinance to reduce the required six (6) month balance of that county's special account to a three (3) month balance for that county.

(c) To reduce the balance a county income tax council must adopt an ordinance. The ordinance must substantially state the following:

"The _____ County Income Tax Council elects to reduce the required county income tax special account balance from a six (6) month balance to a three (3) month balance within ninety (90) days

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after the adoption of this ordinance."

(d) Not more than thirty (30) days after adopting an ordinance under subsection (c), the county income tax council shall deliver a copy of the ordinance to the budget agency.

(e) Not later than:

(1) sixty (60) days after a county income tax council adopts an ordinance under subsection (c); and

(2) December 31 of each year;

the budget agency shall make the calculation described in subsection (f). Not later than ninety (90) days after the ordinance is adopted, the budget agency shall make an initial distribution to the county auditor of the amount determined under subsection (f) STEP FOUR. Subsequent distributions needed to distribute any amount in the county income tax special account that exceeds a three (3) month balance, as determined under subsection (f) STEP FOUR, shall be made in January of the ensuing calendar year after the calculation is made.

(f) The budget agency shall make the following calculation:

STEP ONE: Determine the cumulative balance in a county's account established under section 16 of this chapter.

STEP TWO: Divide the amount estimated under section 17(b) of this chapter before any adjustments are made under section 17(c) or 17(d) of this chapter by twelve (12).

STEP THREE: Multiply the STEP TWO amount by three (3).

STEP FOUR: Subtract the amount determined in STEP THREE from the amount determined in STEP ONE.

(g) The county auditor shall distribute an amount received under subsection (e) to the civil taxing units in the same manner as the certified distribution is distributed and not later than thirty (30) days after the county auditor receives the amount.

(h) The civil taxing units may use the amounts received under subsection (g) for any item for which the particular civil taxing unit's certified distribution may be used.

SECTION 28. IC 6-3.5-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 1. (a) Except as otherwise provided in this section, as used in this chapter, "adjusted gross income" has the meaning set forth in IC 6-3-1-3.5(a).

(b) In the case of a county taxpayer who is not a resident of a county that has imposed the county economic development income tax, the term "adjusted gross income" includes only adjusted gross income derived from the taxpayer's principal place of business or employment.

(c) In the case of a county taxpayer who is a resident of a county having a population of more than ~~nineteen thousand (19,000)~~ but less

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than nineteen thousand three hundred (~~19,300~~); **eighteen thousand three hundred (18,300) but less than nineteen thousand three hundred (19,300)**, the term "adjusted gross income" does not include adjusted gross income that is:

- (1) earned in a county that is:
 - (A) located in another state; and
 - (B) adjacent to the county in which the taxpayer resides; and
- (2) subject to an income tax imposed by a county, city, town, or other local governmental entity in the other state.

SECTION 29. IC 6-3.5-7-4.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 4.3. As used in this chapter, "designated unit" refers to a county having a population of more than ~~one hundred twenty-nine thousand (129,000) but less than one hundred thirty thousand six hundred (130,600)~~: **one hundred forty-eight thousand (148,000) but less than one hundred seventy thousand (170,000)**.

SECTION 30. IC 6-9-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 2. (a) The revenue received by the county treasurer under this chapter shall be allocated to the Lake County convention and visitor bureau, Indiana University-Northwest, Purdue University-Calumet, municipal public safety departments, municipal physical and economic development divisions, and the cities and towns in the county as provided in this section. Subsections (b) through (g) do not apply to the distribution of revenue received under section 1 of this chapter from hotels, motels, inns, tourist camps, tourist cabins, and other lodgings or accommodations built or refurbished after June 30, 1993, that are located in the largest city of the county.

(b) The Lake County convention and visitor bureau shall establish a convention, tourism, and visitor promotion fund. The county treasurer shall transfer to the Lake County convention and visitor bureau for deposit in this fund thirty-five percent (35%) of the first one million two hundred thousand dollars (\$1,200,000) of revenue received under this chapter in each year. Money in this fund may be expended only to promote and encourage conventions, trade shows, special events, recreation, and visitors within the county. Money may be paid from the fund by claim in the same manner as municipalities may pay claims under IC 5-11-10-1.6.

(c) This subsection applies to the first one million two hundred thousand dollars (\$1,200,000) of revenue received under this chapter in each year. During each year, the county treasurer shall transfer to Indiana University-Northwest forty-four and thirty-three hundredths percent (44.33%) of the revenue received under this chapter for that

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year to be used as follows:

- (1) Seventy-five percent (75%) of the revenue received under this subsection may be used only for the university's medical education programs.
- (2) Twenty-five percent (25%) of the revenue received under this subsection may be used only for the university's allied health education programs.

The amount for each year shall be transferred in four (4) approximately equal quarterly installments.

(d) This subsection applies to the first one million two hundred thousand dollars (\$1,200,000) of revenue received under this chapter in each year. During each year, the county treasurer shall allocate among the cities and towns throughout the county nine percent (9%) of the revenue received under this chapter for that year. The amount of each city's or town's allocation is as follows:

- (1) Ten percent (10%) of the revenue covered by this subsection shall be transferred to cities having a population of more than ~~one hundred ten thousand (110,000)~~ but less than ~~one hundred twenty thousand (120,000)~~; **ninety thousand (90,000) but less than one hundred five thousand (105,000).**
- (2) Ten percent (10%) of the revenue covered by this subsection shall be transferred to cities having a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000).
- (3) Ten percent (10%) of the revenue covered by this subsection shall be transferred to cities having a population of more than ~~thirty-three thousand eight hundred fifty (33,850)~~ but less than ~~thirty-five thousand (35,000)~~; **thirty-two thousand (32,000) but less than thirty-two thousand eight hundred (32,800).**
- (4) Five percent (5%) of the revenue covered by this subsection shall be transferred to each town and each city not receiving a transfer under subdivisions (1) through (3).

The money transferred under this subsection may be used only for economic development projects. The county treasurer shall make the transfers on or before December 1 of each year.

(e) This subsection applies to the first one million two hundred thousand dollars (\$1,200,000) of revenue received under this chapter in each year. During each year, the county treasurer shall transfer to Purdue University-Calumet nine percent (9%) of the revenue received under this chapter for that year. The money received by Purdue University-Calumet may be used by the university only for nursing education programs.



(f) This subsection applies to the first one million two hundred thousand dollars (\$1,200,000) of revenue received under this chapter in each year. During each year, the county treasurer shall transfer two and sixty-seven hundredths percent (2.67%) of the revenue received under this chapter for that year to the following cities:

(1) Fifty percent (50%) of the revenue covered by this subsection shall be transferred to cities having a population of more than ~~one hundred ten thousand (110,000)~~ but less than ~~one hundred twenty thousand (120,000)~~; **ninety thousand (90,000) but less than one hundred five thousand (105,000).**

(2) Fifty percent (50%) of the revenue covered by this subsection shall be transferred to cities having a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000).

Money transferred under this subsection may be used only for convention facilities located within the city. In addition, the money may be used only for facility marketing, sales, and public relations programs. Money transferred under this subsection may not be used for salaries, facility operating costs, or capital expenditures related to the convention facilities. The county treasurer shall make the transfers on or before December 1 of each year.

(g) This subsection applies to the revenue received under this chapter in each year that exceeds one million two hundred thousand dollars (\$1,200,000). During each year, the county treasurer shall distribute money in the fund as follows:

(1) Eighty-five percent (85%) of the revenue covered by this subsection shall be deposited in the convention, tourism, and visitor promotion fund. The money deposited in the fund under this subdivision may be used only for the purposes for which other money in the fund may be used.

(2) Five percent (5%) of the revenue covered by this subsection shall be transferred to Purdue University-Calumet. The money received by Purdue University-Calumet under this subdivision may be used by the university only for nursing education programs.

(3) Five percent (5%) of the revenue covered by this subsection shall be transferred to Indiana University-Northwest. The money received by Indiana University-Northwest under this subdivision may be used only for the university's medical education programs.

(4) Five percent (5%) of the revenue covered by this subsection shall be transferred to Indiana University-Northwest. The money received by Indiana University-Northwest under this subdivision

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may be used only for the university's allied health education programs.

(h) The county treasurer may estimate the amount that will be received under this chapter for the year to determine the amount to be transferred under this section.

(i) This subsection applies only to the distribution of revenue received under section 1 of this chapter from hotels, motels, inns, tourist camps, tourist cabins, and other lodgings or accommodations built or refurbished after June 30, 1993, that are located in the largest city of the county. During each year, the county treasurer shall transfer:

(1) seventy-five percent (75%) of the revenues under this subsection to the department of public safety; and

(2) twenty-five percent (25%) of the revenues under this subsection to the division of physical and economic development; of the largest city of the county.

(j) The Lake County convention and visitor bureau shall assist the county treasurer, as needed, with the calculation of the amounts that must be deposited and transferred under this section.

SECTION 31. IC 6-9-2.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 1. This chapter applies to a county having a population of more than ~~one hundred sixty thousand (160,000) but less than two hundred thousand (200,000):~~ **one hundred seventy thousand (170,000) but less than one hundred eighty thousand (180,000).**

SECTION 32. IC 6-9-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 1. (a) This chapter applies to each of two (2) adjacent counties when:

(1) one (1) of the counties has a population of more than ~~sixty-four thousand (64,000) but less than sixty-five thousand (65,000);~~ **seventy thousand (70,000) but less than seventy-one thousand (71,000);** and

(2) the other county has a population of more than ~~eighty-five thousand (85,000) but less than eighty-eight thousand (88,000):~~ **ninety thousand (90,000) but less than one hundred thousand (100,000).**

(b) In these counties, there is created a special funds board of managers. As used in this chapter, the term "board of managers" means a special funds board of managers.

(c) The board of managers is composed of thirteen (13) members as follows:

(1) Four (4) members appointed by the executive of the second class city having the largest population, including at least one (1)

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member who is engaged in the lodging business.

(2) Three (3) members appointed by the executive of the third class city having the largest population, including at least one (1) member who is engaged in the lodging business or the restaurant business.

(3) Two (2) members appointed by the legislative body of the town having the largest population.

(4) One (1) member appointed by the executive of the county with the smaller population.

(5) Three (3) members appointed by the executive of the county with the larger population, including at least one (1) member who is engaged in the lodging business.

(d) The terms of office for the members of the board of managers are for two (2) years and end as follows:

(1) For each of the following members, the term of office ends on January 15 of each odd-numbered year:

(A) The member appointed by the less populated county's executive.

(B) One (1) member appointed by the more populated county's executive.

(C) One (1) member appointed by each of the city executives referred to in this section.

(2) For all other members, the terms of office end on January 15 of each even-numbered year.

(e) At the end of the term of a member of the board of managers, the person or body making the original appointment may reappoint a person whose term has expired or appoint a new member for a two (2) year term. If a vacancy occurs in the board of managers during a term, a successor for the vacancy shall be appointed by the person or body making the original appointment, and the successor shall serve for the remainder of the vacated term.

(f) A member of the board of managers may be removed for cause by the person or body making the original appointment.

(g) No more than two (2) members of the board of managers appointed by the executive of the third class city may be of the same political party. The two (2) members of the board of managers appointed by the town legislative body may not be of the same political party. No more than three (3) members of the board of managers appointed by the executive of the second class city having the largest population may be of the same political party.

(h) Each member of the board of managers, before entering upon the member's duties, shall take an oath of office in the usual form, to be

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endorsed upon the member's certificate of appointment, which shall be promptly filed with the clerk of the circuit court of the member's county of residence.

(i) A person may not be appointed as a member who has not been a resident of one (1) of the two (2) counties for a period of two (2) years immediately preceding the person's appointment.

(j) A member may receive no salary but is entitled to reimbursement for any expenses necessarily incurred in the performance of the member's duties.

SECTION 33. IC 6-9-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 1. This chapter applies to a county having a population of more than ~~one hundred eight thousand nine hundred fifty (108,950)~~ but less than ~~one hundred twelve thousand (112,000)~~: **one hundred twenty thousand (120,000) but less than one hundred thirty thousand (130,000).**

SECTION 34. IC 6-9-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 1. This chapter applies to a county having a population of more than ~~thirty-nine thousand (39,000)~~ but less than ~~forty thousand (40,000)~~: **thirty-nine thousand (39,000) but less than thirty-nine thousand six hundred (39,600).**

SECTION 35. IC 6-9-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 1. This chapter applies to a county having a population of more than ~~one hundred seven thousand (107,000)~~ but less than ~~one hundred eight thousand (108,000)~~: **one hundred ten thousand (110,000) but less than one hundred fifteen thousand (115,000).**

SECTION 36. IC 6-9-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 1. This chapter applies to a county having a population of more than ~~one hundred twenty-nine thousand (129,000)~~ but less than ~~one hundred thirty thousand six hundred (130,600)~~: **one hundred forty-eight thousand (148,000) but less than one hundred seventy thousand (170,000).**

SECTION 37. IC 6-9-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 1. This chapter applies to a county having a population of more than ~~sixty-eight thousand (68,000)~~ but less than ~~seventy-three thousand (73,000)~~: **seventy-one thousand (71,000) but less than seventy-one thousand four hundred (71,400).**

SECTION 38. IC 6-9-10.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 1. This chapter applies to a county having a population of more than ~~twenty-three thousand (23,000)~~ but less than ~~twenty-three thousand five hundred (23,500)~~:



twenty-five thousand (25,000) but less than twenty-five thousand five hundred (25,500).

SECTION 39. IC 6-9-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 1. This chapter applies to a county having a population of more than ~~one hundred thousand (100,000) but less than one hundred seven thousand (107,000):~~ **one hundred five thousand (105,000) but less than one hundred ten thousand (110,000).**

SECTION 40. IC 6-9-14-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 1. This chapter applies to a county having a population of more than ~~fourteen thousand seven hundred (14,070) but less than fifteen thousand (15,000):~~ **fourteen thousand nine hundred (14,900) but less than sixteen thousand (16,000).**

SECTION 41. IC 6-9-15-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 1. This chapter applies to a county having a population of more than ~~twenty-nine thousand five hundred (29,500) but less than twenty-nine thousand eight hundred (29,800):~~ **thirty-one thousand (31,000) but less than thirty-two thousand (32,000).**

SECTION 42. IC 6-9-16-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 1. This chapter applies to a county having a population of more than ~~seventy-eight thousand (78,000) but less than eighty-five thousand (85,000):~~ **eighty thousand (80,000) but less than ninety thousand (90,000).**

SECTION 43. IC 6-9-17-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 1. This chapter applies to a county having a population of more than ~~one hundred thirty thousand six hundred (130,600) but less than one hundred fifty thousand (150,000):~~ **one hundred thirty thousand (130,000) but less than one hundred forty-five thousand (145,000).**

SECTION 44. IC 6-9-19-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 1. This chapter applies to a county having a population of more than ~~one hundred fifty thousand (150,000) but less than one hundred sixty thousand (160,000):~~ **one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000).**

SECTION 45. IC 6-9-20-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 1. This chapter applies to a county having a population of more than ~~one hundred sixty thousand (160,000) but less than two hundred thousand (200,000):~~ **one hundred seventy thousand (170,000) but less than one hundred eighty thousand (180,000).**



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SECTION 46. IC 6-9-21-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 1. This chapter applies to a county having a population of more than ~~one hundred twelve thousand (112,000) but less than one hundred twenty-five thousand (125,000):~~ **one hundred eighteen thousand (118,000) but less than one hundred twenty thousand (120,000).**

SECTION 47. IC 6-9-24-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 1. This chapter applies to a municipality (as defined in IC 36-1-2-11) located in a county having a population of more than ~~fourteen thousand seventy (14,070) but less than fifteen thousand (15,000):~~ **fourteen thousand nine hundred (14,900) but less than sixteen thousand (16,000).**

SECTION 48. IC 6-9-25-9.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 9.5. (a) This section applies to revenues from the county food and beverage tax received by the county after June 30, 1994.

(b) Money in the fund established under section 8 of this chapter shall be used by the county for the financing, construction, renovation, improvement, equipping, operation, or maintenance of the following capital expenditures:

- (1) Sanitary sewers or wastewater treatment facilities that serve economic development purposes.
- (2) Drainage or flood control facilities that serve economic development purposes.
- (3) Road improvements used on an access road for an industrial park that serve economic development purposes.
- (4) A covered horse show arena.
- (5) A historic birthplace memorial.
- (6) A historic gymnasium and community center in a town in the county with a population greater than ~~one thousand five hundred (1,500) but less than two thousand two hundred (2,200):~~ **two thousand (2,000) but less than two thousand four hundred (2,400).**
- (7) Main street renovation and picnic and park areas in a town in the county with a population greater than ~~one thousand five hundred (1,500) but less than two thousand two hundred (2,200):~~ **two thousand (2,000) but less than two thousand four hundred (2,400).**
- (8) A community park and cultural center.
- (9) Projects for which the county decides after July 1, 1994, to issue bonds or other obligations or enter into leases under section 11.5 of this chapter after the projects described in subdivisions (1)

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through (8) have been funded.

(10) An ambulance.

Money in the fund may not be used for the operating costs of any of the permissible projects listed in this section. In addition, the county may not initiate a project under this chapter after December 31, 2004.

(c) The county capital improvements committee is established to make recommendations to the county fiscal body concerning the use of money in the fund established under section 8 of this chapter. The capital improvements committee consists of the following members:

(1) One (1) resident of the county representing each of the three (3) commissioner districts, appointed by the county executive. Not more than two (2) of the members appointed under this subdivision may be from the same political party.

(2) Two (2) residents of the county, appointed by the county fiscal body. The two (2) appointees may not be from the same political party. One (1) appointee under this subdivision must be a resident of a town in the county with a population greater than ~~one thousand five hundred (1,500) but less than two thousand two hundred (2,200):~~ **two thousand (2,000) but less than two thousand four hundred (2,400).** One (1) appointee under this subdivision must be a resident of a town in the county with a population greater than ~~two thousand two hundred (2,200):~~ **two thousand four hundred (2,400).**

(3) Two (2) residents of the largest city in the county, appointed by the municipal executive. The two (2) appointees under this subdivision may not be from the same political party. One (1) appointee must be interested in economic development.

(4) Two (2) residents of the largest city in the county, appointed by the municipal fiscal body. The two (2) appointees under this subdivision may not be from the same political party. One (1) appointee must be interested in tourism.

(d) Except as provided in subsection (e), the term of a member appointed to the capital improvements committee under subsection (c) is four (4) years.

(e) The initial terms of office for the members appointed to the county capital improvements committee under subsection (c) are as follows:

(1) Of the members appointed under subsection (c)(1), one (1) member shall be appointed for a term of two (2) years, one (1) member shall be appointed for three (3) years, and one (1) member shall be appointed for four (4) years.

(2) Of the members appointed under subsection (c)(2), one (1)

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member shall be appointed for two (2) years and one (1) member shall be appointed for three (3) years.

(3) Of the members appointed under subsection (c)(3), one (1) member shall be appointed for two (2) years and one (1) member shall be appointed for three (3) years.

(4) Of the members appointed under subsection (c)(4), one (1) member shall be appointed for three (3) years and one (1) member shall be appointed for four (4) years.

(f) At the expiration of a term under subsection (e), the member whose term expired shall be reappointed to the county capital improvements committee to fill the vacancy caused by the expiration.

(g) The capital improvements committee is abolished on January 1, 2005.

SECTION 49. IC 6-9-26-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 1. This chapter applies to a county having a population of more than ~~one hundred thirty thousand six hundred (130,600)~~ but less than ~~one hundred fifty thousand (150,000)~~ **one hundred thirty thousand (130,000) but less than one hundred forty-five thousand (145,000).**

SECTION 50. IC 6-9-26-12.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 12.5. (a) This section applies if there are no outstanding obligations for which a pledge has been made under section 15(a) of this chapter concerning uses authorized under section 12 of this chapter.

(b) Money deposited in the county economic development project fund before March 1, 1992, shall be transferred to the following:

(1) Fifty percent (50%) of the money deposited shall be transferred to the fiscal officer of a city having a population of more than ~~fifty-eight thousand (58,000)~~ but less than ~~sixty thousand (60,000)~~ **fifty-nine thousand seven hundred (59,700) but less than sixty-five thousand (65,000).**

(2) Fifty percent (50%) of the money deposited shall be transferred to the county general fund. Money transferred under this subdivision shall be used for:

(A) economic development projects in locations other than a city described in subdivision (1); or

(B) the following purposes:

(i) The financing, construction, or equipping of a secure detention facility under IC 31-31-8 or IC 31-6-9-5 (repealed).

(ii) All reasonable and necessary architectural, engineering, legal, financing, accounting, advertising, and supervisory

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expenses related to the financing, construction, or equipping of a facility described in item (i).

(iii) The retiring of any bonds issued, loans obtained, or lease payments incurred under IC 36-1-10 to finance, construct, or equip a facility described in item (i).

(c) Except as provided in subsection (d), money deposited in the county economic development project fund after February 29, 1992, shall be transferred to the following:

(1) Forty percent (40%) of the money deposited shall be transferred to the fiscal officer of a city described in subsection (b)(1).

(2) Forty percent (40%) of the money deposited shall be transferred to the county general fund. Money transferred under this subdivision shall be used for the following purposes:

(A) The financing, construction, or equipping of a secure detention facility under IC 31-31-8 or IC 31-6-9-5 (repealed).

(B) All reasonable and necessary architectural, engineering, legal, financing, accounting, advertising, and supervisory expenses related to the financing, construction, or equipping of a facility described in clause (A).

(C) The retiring of any bonds issued, loans obtained, or lease payments incurred under IC 36-1-10 to finance, construct, or equip a facility described in clause (A).

(3) Twenty percent (20%) of the money deposited shall be transferred to the county general fund. Money transferred under this subdivision shall be used for economic development projects in locations other than a city described in subsection (b)(1).

(d) After the retiring of any bonds issued, loans obtained, or lease payments incurred under IC 36-1-10 to finance, construct, or equip a secure detention facility under subsection (c)(2), money deposited in the county economic development project fund after February 29, 1992, shall be transferred to the following:

(1) Seventy percent (70%) of the money deposited shall be transferred to the fiscal officer of a city described in subsection (b)(1).

(2) Thirty percent (30%) of the money deposited shall be transferred to the county general fund. Money transferred under this subdivision shall be used for economic development projects in locations other than a city described in subsection (b)(1).

(e) Money transferred to a city fiscal officer under subsection (b)(1), (c)(1), or (d)(1) shall be credited to a special account to be known as the city economic development account. Money credited to the account

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shall be used only for those purposes described in IC 6-3.5-7 (the county economic development income tax).

SECTION 51. IC 6-9-27-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 1. This chapter applies to **the following:**

(1) A town:

(A) located in a county having a population of more than ~~fifty thousand (50,000)~~ but less than ~~sixty thousand (60,000);~~ **sixty-five thousand (65,000) but less than seventy thousand (70,000);** and

(B) having a population of more than ~~five thousand (5,000)~~ but less than ~~six thousand (6,000);~~ **nine thousand (9,000).**

(2) A town:

(A) located in a county having a population of more than ~~twenty-eight thousand (28,000)~~ but less than ~~twenty-nine thousand five hundred (29,500);~~ **thirty-four thousand nine hundred (34,900) but less than thirty-four thousand nine hundred fifty (34,950);** and

(B) having a population of less than ~~seven hundred (700);~~ **one thousand (1,000).**

(3) A town:

(A) located in a county having a population of more than ~~seventy-five thousand (75,000)~~ but less than ~~seventy-eight thousand (78,000);~~ **one hundred thousand (100,000) but less than one hundred five thousand (105,000);** and

(B) having a population of more than ~~nine thousand (9,000);~~ **and fifteen thousand (15,000).**

(4) A town:

(A) located in a county having a population of more than ~~seventy-five thousand (75,000)~~ but less than ~~seventy-eight thousand (78,000);~~ **one hundred thousand (100,000) but less than one hundred five thousand (105,000);** and

(B) having a population of more than ~~seven thousand (7,000)~~ but less than ~~eight thousand (8,000);~~ **ten thousand (10,000) but less than fifteen thousand (15,000).**

SECTION 52. IC 6-9-28-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 1. This chapter applies only to a county having a population of more than ~~seventy-five thousand (75,000)~~ but less than ~~seventy-eight thousand (78,000);~~ **one hundred thousand (100,000) but less than one hundred five thousand (105,000).**

SECTION 53. IC 6-9-32-1, AS ADDED BY P.L.3-1999, SECTION



1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 1. (a) This chapter applies to a county having a population of more than ~~thirty-seven thousand (37,000) but less than thirty-seven thousand eight hundred (37,800)~~ **forty-one thousand (41,000) but less than forty-three thousand (43,000)** that had adopted an innkeeper's tax under IC 6-9-18 before July 1, 1999.

(b) The:

- (1) convention, visitor, and tourism promotion fund;
- (2) convention and visitor commission;
- (3) innkeeper's tax rate; and
- (4) tax collection procedures;

established under IC 6-9-18 before July 1, 1999, remain in effect and govern the county's innkeeper's tax until amended under this chapter.

(c) A member of the convention and visitor commission established under IC 6-9-18 before July 1, 1999, shall serve a full term of office. If a vacancy occurs, the appointing authority shall appoint a qualified replacement as provided under this chapter. The appointing authority shall make other subsequent appointments to the commission as provided under this chapter.

SECTION 54. IC 7.1-3-1-25, AS AMENDED BY P.L.136-2000, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 25. (a) A city or county listed in this subsection that by itself or in combination with any other municipal body acquires by ownership or by lease any stadium, exhibition hall, auditorium, theater, convention center, or civic center may permit the retail sale of alcoholic beverages upon the premises if the governing board of the facility first applies for and secures the necessary permits as required by this title. The cities and counties to which this subsection applies are as follows:

- (1) A consolidated city or its county.
- (2) A city of the second class.
- (3) A county having a population of more than ~~one hundred thirty thousand six hundred (130,600) but less than two hundred thousand (200,000)~~ **one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000)**.
- (4) A county having a population of more than one hundred seventy thousand (170,000) but less than one hundred eighty thousand (180,000).
- (5) A county having a population of more than one hundred thirty thousand (130,000) but less than one hundred forty-five thousand (145,000).



(6) A county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).

~~(5) (7) A city having a population of less than ten thousand (10,000) that is located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):~~ **more than five thousand one hundred thirty-five (5,135) but less than five thousand two hundred (5,200).**

~~(6) (8) A county having a population of more than one hundred eight thousand nine hundred fifty (108,950) but less than one hundred twelve thousand (112,000):~~ **one hundred twenty thousand (120,000) but less than one hundred thirty thousand (130,000).**

~~(7) (9) A county having a population of more than one hundred eight thousand (108,000) but less than one hundred eight thousand nine hundred fifty (108,950):~~ **one hundred eighty thousand (180,000) but less than one hundred eighty-two thousand seven hundred ninety (182,790).**

(b) A county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) or a township located in such a county that has established a public park with a golf course within its jurisdiction under IC 36-10-3 or IC 36-10-7 may be issued a permit for the retail sale of alcoholic beverages on the premises of any community center within the park, including a clubhouse, social center, or pavilion.

(c) A township that:

(1) is located in a county having a population of more than ~~one hundred thousand (100,000) but less than one hundred seven thousand (107,000);~~ **one hundred five thousand (105,000) but less than one hundred ten thousand (110,000);** and

(2) acquires ownership of a golf course;

may permit the retail sale of alcoholic beverages upon the premises of the golf course, if the governing board of the golf course first applies for and secures the necessary permits required by this title.

(d) A township:

(1) having a population of more than ~~thirty thousand (30,000) and less than seventy-five thousand (75,000);~~ **thirty-five thousand (35,000) but less than one hundred thousand (100,000);** and

(2) located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000);



may be issued a permit for the retail sale of alcoholic beverages on the premises of any community center or social center that is located within the township and operated by the township.

(e) A city that:

(1) has a population of:

(A) more than ~~fifty-eight thousand (58,000) but less than sixty thousand (60,000);~~ **fifty-nine thousand seven hundred (59,700) but less than sixty-five thousand (65,000);** or

(B) more than ~~forty thousand (40,000) but less than forty-three thousand (43,000);~~ **forty-six thousand five hundred (46,500) but less than fifty thousand (50,000);** and

(2) owns a golf course;

may permit the retail sale of alcoholic beverages upon the premises of the golf course if the governing board of the golf course first applies for and secures the necessary permits required by this title.

(f) A city that:

(1) has a population of more than ~~thirty-three thousand eight hundred fifty (33,850) but less than thirty-five thousand (35,000);~~ **thirty-two thousand (32,000) but less than thirty-two thousand eight hundred (32,800);** and

(2) owns or leases a marina;

may permit the retail sale of alcoholic beverages upon the premises of the marina, if the governing board of the marina first applies for and secures the necessary permits required by this title. The permit may include the carryout sale of alcoholic beverages in accordance with IC 7.1-3-4-6(c), IC 7.1-3-9-9(c), IC 7.1-3-14-4(c), and 905 IAC 1-29 but may not include at-home delivery of alcoholic beverages.

(g) A city listed in this subsection that owns a marina may be issued a permit for the retail sale of alcoholic beverages on the premises of the marina. The permit may include the carryout sale of alcoholic beverages in accordance with IC 7.1-3-4-6(c), IC 7.1-3-9-9(c), IC 7.1-3-14-4(c), and 905 IAC 1-29 but may not include at-home delivery of alcoholic beverages. However, the city must apply for and secure the necessary permits that this title requires. This subsection applies to the following cities:

(1) A city having a population of more than ~~one hundred ten thousand (110,000) but less than one hundred twenty thousand (120,000);~~ **ninety thousand (90,000) but less than one hundred five thousand (105,000).**

(2) A city having a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000).

(3) A city having a population of more than ~~thirty-three thousand~~

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~~(33,000) but less than thirty-three thousand eight hundred fifty (33,850):~~ **thirty-two thousand eight hundred (32,800) but less than thirty-three thousand (33,000).**

(4) A city having a population of more than ~~twenty-seven thousand (27,000) but less than thirty thousand (30,000):~~ **thirty-three thousand (33,000) but less than thirty-six thousand (36,000).**

(5) A city having a population of more than ~~twenty-one thousand eight hundred thirty (21,830) but less than twenty-three thousand (23,000):~~ **twenty-seven thousand (27,000) but less than twenty-seven thousand four hundred (27,400).**

(h) Notwithstanding subsection (a), the commission may issue a civic center permit to a person that:

- (1) by the person's self or in combination with another person is the proprietor, as owner or lessee, of an entertainment complex; or
- (2) has an agreement with a person described in subdivision (1) to act as a concessionaire for the entertainment complex for the full period for which the permit is to be issued.

SECTION 55. IC 7.1-3-20-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 16. (a) A permit that is authorized by this section may be issued without regard to the quota provisions of IC 7.1-3-22.

(b) The commission may issue a three-way permit to sell alcoholic beverages for on premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant facility in the passenger terminal complex of a publicly owned airport which is served by a scheduled commercial passenger airline certified to enplane and deplane passengers on a scheduled basis by a federal aviation agency. A permit issued under this subsection shall not be transferred to a location off the airport premises.

(c) The commission may issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant within a redevelopment project consisting of a building or group of buildings that:

- (1) was formerly used as part of a union railway station;
- (2) has been listed in or is within a district that has been listed in the federal National Register of Historic Places maintained pursuant to the National Historic Preservation Act of 1966, as amended; and
- (3) has been redeveloped or renovated, with the redevelopment or

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renovation being funded in part with grants from the federal, state, or local government.

A permit issued under this subsection shall not be transferred to a location outside of the redevelopment project.

(d) The commission may issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant:

- (1) on land; or
- (2) in a historic river vessel;

within a municipal riverfront development project funded in part with state and city money. A permit issued under this subsection may not be transferred.

(e) The commission may issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant within a renovation project consisting of a building that:

- (1) was formerly used as part of a passenger and freight railway station; and
- (2) was built before 1900.

The permit authorized by this subsection may be issued without regard to the proximity provisions of IC 7.1-3-21-11.

(f) The commission may issue a three-way permit for the sale of alcoholic beverages for on premises consumption at a cultural center for the visual and performing arts to a town that:

- (1) is located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); and
- (2) has a population of more than ~~nineteen thousand nine hundred forty (19,940) but less than twenty-one thousand five hundred (21,500):~~ **twenty thousand (20,000) but less than twenty-three thousand (23,000).**

SECTION 56. IC 8-1-1.1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 7. (a) There is created the advisory council to the office of the utility consumer counselor. The council consists of ~~one (1) member representing ten (10) members.~~ **Each Indiana congressional district of this state must be represented by at least one (1) individual appointed under this section who is a resident of that congressional district.**

(b) Members of the council, including those filling vacancies occurring in the council membership, shall be appointed by the governor. All members shall be appointed to a term of four (4) years,



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except those who have been appointed to fill a vacancy in the council whose term will be the unexpired portion of the term. All members shall serve until their successor has been duly appointed and qualified.

(c) ~~Every member must be a resident of the congressional district which the member represents.~~ The membership shall be representative of the various sectors of Indiana economy, including, but not limited to: agriculture, business and industry, labor, and local government.

(d) The members shall annually elect of themselves a chairman.

(e) Members are entitled to receive per diem and travel expense reimbursement at the standard rates provided for state employees for expenses they incur in the performance of their duties under this chapter subject to the approval of the consumer counselor.

SECTION 57. IC 8-1-2-103 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 103. (a) No public utility, or agent or officer thereof, or officer of any municipality constituting a public utility, as defined in this chapter, may charge, demand, collect, or receive from any person a greater or less compensation for any service rendered or to be rendered, or for any service in connection therewith, than that prescribed in the published schedules or tariffs then in force or established as provided herein, or than it charges, demands, collects, or receives from any other person for a like and contemporaneous service. A person who recklessly violates this subsection commits a Class A misdemeanor.

(b) Notwithstanding subsection (a), ~~of this section,~~ if a city of less than twenty thousand (20,000) in population according to the most recent federal decennial census, constituting a public water utility, and acting as a public utility prior to May 1, 1913, either as such city, or by any commercial association, chamber of commerce, or committee with the consent of such city, entered into any agreement with any person engaged in manufacturing any articles of commerce to furnish free water for a certain limited time as an inducement to such person so engaged in manufacturing to locate the establishment or manufacturing plant of such person within such city, such city may carry out such agreement to furnish free water to such person for the period of time remaining, as stipulated in such contract. This chapter does not prohibit any public utility from supplying or furnishing free service or service at special rates to any municipality, or any institution or agency of such municipality, in cases where the supplying or furnishing of such free service or service at special rates is stipulated in any provision of the franchise under which such public utility was operating before May 16, 1919, or, in the event that such franchise shall have been surrendered, from supplying or furnishing such free service or service at special

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rates until such time as the franchise would have expired had it not been surrendered under this chapter; and it shall be the duty of any utility operating under any franchise, stipulating for free service or service at special rates to municipality, or any institution or agency of such municipality, to furnish such free service or service at special rates.

(c) This subsection applies to a public utility that provides water for public fire protection services in both a county containing a consolidated city and in portions of counties that are adjacent to the county containing a consolidated city. This subsection applies throughout the territory served by the public utility. In the case of a public utility furnishing water and beginning on January 1, 1994, the charges for the production, storage, transmission, sale and delivery, or furnishing of water for public fire protection purposes shall be included in the basic rates of the customers of the public utility. However, the construction cost of any fire hydrant installed after December 31, 1993, at the request of a municipality, township, county, or other governmental unit shall be paid for by or on behalf of the municipality, township, county, or other governmental unit. The change in the recovery of current revenue authorized by this section shall be reflected in a new schedule of rates to be filed with the commission at least thirty (30) days before the time the new schedule of rates is to take effect. The new schedule of rates shall:

- (1) eliminate fire protection charges billed directly to governmental units, other than charges for the construction cost for new hydrants installed after December 31, 1993; and
- (2) increase the rates charged each customer of the utility, based on equivalent meter size, by an amount equal to:
 - (A) the revenues lost from the elimination of such fire protection charges; divided by
 - (B) the current number of equivalent five-eighths (5/8) inch meters.

This change in the recovery of public fire protection costs shall not be considered to be a general increase in basic rates and charges of the public utility and is not subject to the notice and hearing requirements applicable to general rate proceedings. The commission shall approve the new schedule of rates that are to be effective January 1, 1994.

(d) This subsection applies to a public utility or a municipally owned water utility that is not subject to subsection (c). Except as provided in subsection (e), in the case of a public utility or municipally owned water utility furnishing water, if the governing body of the governmental unit with the greatest number of customers of the utility

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adopts an ordinance providing that costs shall be recovered under this subsection, the charges for the production, storage, transmission, sale and delivery, or furnishing of water for public fire protection purposes shall be included in the basic rates of all customers of the utility. However, on or after a date specified in the ordinance, the construction cost of any fire hydrant installed at the request of a municipality, township, county, or other governmental unit that adopts an ordinance under this subsection shall be paid for by or on behalf of the municipality, township, county, or other governmental unit. The change in the recovery of current revenue authorized by the ordinance shall be reflected in a new schedule of rates to be filed with the commission at least thirty (30) days before the time the new schedule of rates is to take effect. The new schedule of rates shall:

- (1) eliminate fire protection charges billed directly to governmental units, other than charges for the construction cost for new hydrants installed on and after the date specified in the ordinance; and
- (2) increase the rates charged each customer of the utility, based on equivalent meter size, by an amount equal to:
 - (A) the revenues lost from the elimination of such fire protection charges; divided by
 - (B) the current number of equivalent five-eighths (5/8) inch meters.

This change in the recovery of public fire protection costs shall not be considered to be a general increase in basic rates and charges of the utility and is not subject to the notice and hearing requirements applicable to general rate proceedings. The commission shall approve the new schedule of rates that are to be effective on a date specified in the ordinance.

(e) This subsection applies to a municipally owned water utility in a city having a population of more than ~~forty-three thousand (43,000)~~ but less than ~~forty-three thousand seven hundred (43,700)~~ **fifty thousand (50,000) but less than fifty-five thousand (55,000)**. The city may adopt a plan to recover costs as described in subsection (d) without passing an ordinance, if the plan applies only to customers of the utility residing in a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000). If the city wishes to adopt such a plan, the city shall file a new schedule of rates with the commission, but is not subject to commission approval of the rates.

(f) In the case of a change in the method of recovering public fire protection costs under an ordinance adopted under subsection (d):



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(1) on or after July 1, 1997, a customer of the utility located outside the limits of a municipality whose property is not located within one thousand (1,000) feet of a fire hydrant (measured from the hydrant to the nearest point on the property line of the customer) must be excluded from the increase in rates attributable to the change and must not be included in the number of equivalent five-eighths (5/8) inch meters for purposes of subsection (d)(2)(B); or

(2) before July 1, 1997, the commission may:

(A) in the context of a general rate proceeding initiated by the utility; or

(B) upon petition of:

(i) the utility;

(ii) the governmental unit that passed the ordinance; or

(iii) an affected customer;

prospectively exclude public fire protection costs from the rates charged to customers located outside the limits of any municipality whose property is not located within one thousand (1,000) feet of a fire hydrant (measured from the hydrant to the nearest point on the property line of the customer) if the commission authorizes a simultaneous increase in the rates of the utility's other customers to the extent necessary to prevent a loss of revenues to the utility.

An increase in the rates of the utility's other customers under subdivision (2) may not be construed to be a general increase in basic rates and charges of the utility and is not subject to the hearing requirements applicable to general rate proceedings. This subsection does not prohibit the commission from adopting different methods of public fire protection cost recovery for unincorporated areas after notice and hearing within the context of a general rate proceeding or other appropriate proceeding.

SECTION 58. IC 8-1-2.7-9, AS AMENDED BY P.L.226-2001, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 9. (a) Except as provided under subsection (c) or section 15 of this chapter, when a utility successfully withdraws from commission jurisdiction, the commission does not have authority to regulate the following:

(1) Rates and charges.

(2) Stocks, bonds, notes, or other evidence of indebtedness.

(3) Rules.

(4) The annual report filing requirement.

(b) When the number of patrons served by a withdrawn utility

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described in section 1.3(a)(1)(A) or 1.3(a)(2)(A) of this chapter reaches five thousand (5,000), the utility:

- (1) becomes subject to the annual report filing requirement described in IC 8-1-2-16; and
- (2) shall immediately notify the commission of the number of patrons served by the utility.

Upon receiving notice under subdivision (2), the commission may reassert jurisdiction over the utility, in whole or in part, after notice and hearing if the commission finds that the public interest so requires.

(c) As used in this subsection, "utility" refers to a utility described in section 1.3(a)(1)(B) of this chapter that is located in a county having a population of more than ~~sixteen thousand five hundred (16,500) but less than seventeen thousand (17,000)~~; **sixteen thousand seven hundred (16,700) but less than seventeen thousand (17,000)**. When one (1) utility has successfully withdrawn from commission jurisdiction under this chapter, upon the filing of a complaint by another utility that has not withdrawn from commission jurisdiction under this chapter, the commission shall reassert jurisdiction over the withdrawn utility with respect to the withdrawn utility's:

- (1) rates and charges;
- (2) rules; and
- (3) operating and territorial authority;

that have been or may be established concerning the purchase of water for resale by the complaining utility from the withdrawn utility. The rates and charges described in subdivision (1) are subject to the requirements of IC 8-1-2-125. The burden of proof that the rates and charges described in subdivision (1) comply with IC 8-1-2-125 is on the withdrawn utility.

SECTION 59. IC 8-1-8.6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 1. As used in this chapter, "steel facility" refers to a steel facility:

- (1) built after January 1, 1988;
- (2) located in a county having a population of more than ~~thirty-two thousand (32,000) but less than thirty-five thousand (35,000)~~; **thirty-seven thousand (37,000) but less than thirty-eight thousand (38,000)**; and
- (3) located in the service territory of Public Service of Indiana, Inc.

SECTION 60. IC 8-1.5-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 3. The department of waterworks has jurisdiction over a special taxing district (referred to as "the waterworks district" in this chapter) that consists of:

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- (1) in the case of a second class city located in a county having a population of more than ~~one hundred sixty thousand (160,000)~~ **but less than two hundred thousand (200,000); one hundred seventy thousand (170,000) but less than one hundred eighty thousand (180,000)**, all the territory within that county; or
- (2) in the case of any other municipality, all the territory within the corporate boundaries of the municipality, or the territory served by the waterworks if larger or smaller than the corporate boundaries.

SECTION 61. IC 8-1.5-4-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 14. (a) This subsection applies to a municipality that is not subject to IC 8-1-2-103(c) or has not adopted an ordinance to become subject to IC 8-1-2-103(d). The reasonable cost and value of any service rendered to the municipality by the waterworks by furnishing water for public purposes or by maintaining hydrants and other facilities for fire protection shall be:

- (1) charged against the municipality; and
- (2) paid for in monthly installments as the service accrues out of the current revenues of the municipality, collected or in process of collection, and the tax levy of the municipality made by it to raise money to meet its necessary current expenses.

(b) This subsection applies to a municipality that is subject to IC 8-1-2-103(c), that has adopted an ordinance to become subject to IC 8-1-2-103(d), or that has adopted a plan described in IC 8-1-2-103(d) as prescribed in IC 8-1-2-103(e). The reasonable cost and value of any service rendered to the municipality by the waterworks by furnishing water for public purposes shall be:

- (1) charged against the municipality; and
- (2) paid for in monthly installments as the service accrues out of the current revenues of the municipality, collected or in process of collection, and the tax levy of the municipality made by it to raise money to meet its necessary current expenses.

Except as provided in subsection (d), the cost and value of maintaining hydrants and other facilities for fire protection shall be excluded from the charges against the municipality and shall be recovered from the other customers of the waterworks beginning on January 1, 1994, in a municipality subject to IC 8-1-2-103(c) and beginning on a date provided in the ordinance for a municipality that adopts an ordinance under IC 8-1-2-103(d). The change in the recovery of current revenue authorized by this section shall be reflected in a schedule of new rates to be filed with the commission at least thirty (30) days before the time the schedule of new rates is to take effect.



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(c) The compensation for the service provided to the municipality shall, in the manner prescribed by this chapter, be paid into the separate and special fund created by setting aside the income and revenues of the waterworks and is subject to apportionment to the operating, maintenance, depreciation, and bond and interest redemption accounts.

(d) This subsection applies to a city having a population of more than ~~forty-three thousand (43,000) but less than forty-three thousand seven hundred (43,700)~~ **forty-six thousand five hundred (46,500) but less than fifty thousand (50,000)**. The cost and value of maintaining hydrants and other facilities for fire protection may be recovered from customers of the waterworks residing:

(1) in a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000); and

(2) in a township having a population of more than ~~six thousand (6,000) but less than seven thousand (7,000)~~ located in a county having a population of more than one hundred fifty thousand (~~150,000~~) but less than one hundred sixty thousand (~~160,000~~); **seven thousand five hundred (7,500) but less than nine thousand (9,000) located in a county having a population of more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000);**

beginning on a date determined by the city. The city shall file a new schedule of rates with the commission as set forth in subsection (b), but is not subject to commission approval of the rates.

SECTION 62. IC 8-9.5-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 1. (a) A:

(1) consolidated city; or

(2) city having a population of more than ~~ninety thousand (90,000) but less than one hundred ten thousand (110,000)~~; **one hundred five thousand (105,000) but less than one hundred twenty thousand (120,000);**

may create, by an ordinance adopted by its legislative body, an automated transit district. The ordinance creating an automated transit district must specify the territory to be included initially in the district.

(b) An automated transit district may also be created by the procedures provided in sections 2 and 3 of this chapter.

SECTION 63. IC 8-10-5-8.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 8.5. Port authorities created in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000),



shall have all the powers of port authorities provided under IC 8-10-5-8 except the power to exercise eminent domain as provided in ~~section 8(G)~~ **section 8(8)** of this chapter in any city having a population of:

- (1) more than seventy-five thousand (75,000) but less than ninety thousand (90,000); or
- (2) more than ~~thirty-three thousand eight hundred fifty (33,850)~~ **thirty-two thousand (32,000)** but less than ~~thirty-five thousand (35,000)~~ **thirty-two thousand eight hundred (32,800)**.

SECTION 64. IC 8-10-5-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 22. (a) This section applies to a city having a population of more than ~~thirty-three thousand (33,000)~~ **thirty-two thousand eight hundred (32,800)** but less than ~~thirty-three thousand eight hundred fifty (33,850)~~ **thirty-two thousand eight hundred (32,800)**.

(b) The fiscal body may impose an annual fee upon each watercraft that is docked for more than twenty-nine (29) days during a year in waters that are under the jurisdiction of a port authority under this chapter.

(c) A fee imposed under this section shall be:

- (1) not more than seventy-five cents (\$0.75) per foot for watercraft of thirty (30) feet or less; and
- (2) not more than one dollar and fifty cents (\$1.50) per foot for watercraft over thirty (30) feet.

(d) Fees collected under this section shall be deposited in the cumulative channel maintenance fund established under section 17 of this chapter and shall be used only to pay for dredging.

SECTION 65. IC 8-10-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 1. This chapter applies to a city having a population of more than ~~thirty-three thousand eight hundred fifty (33,850)~~ **thirty-two thousand (32,000)** but less than ~~thirty-five thousand (35,000)~~ **thirty-two thousand eight hundred (32,800)** persons in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) persons.

SECTION 66. IC 8-14-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 3. For purposes of this chapter, "qualified county" means a county having a population of:

- (1) more than ~~forty-four thousand (44,000)~~ **fifty thousand (50,000)** but less than ~~forty-five thousand (45,000)~~ **fifty-five thousand (55,000)**;
- (2) more than ~~thirty-six thousand (36,000)~~ **thirty-two thousand eight hundred (32,800)** but less than ~~thirty-six thousand (36,000)~~ **thirty-two thousand eight hundred (32,800)**.



~~thousand seven hundred (36,700);~~ **thirty-nine thousand six hundred (39,600) but less than forty thousand (40,000);**

~~(3) more than thirty-one thousand five hundred (31,500) but less than thirty-two thousand (32,000);~~ **thirty-two thousand (32,000) but less than thirty-three thousand (33,000);**

~~(4) more than twenty-seven thousand five hundred (27,500) but less than twenty-seven thousand six hundred (27,600);~~ **twenty-nine thousand (29,000) but less than thirty thousand (30,000);**

~~(5) more than twenty-five thousand nine hundred fifty (25,950) but less than twenty-six thousand (26,000);~~ **twenty-seven thousand (27,000) but less than twenty-seven thousand two hundred (27,200);**

~~(6) more than nineteen thousand (19,000) but less than nineteen thousand three hundred (19,300);~~ **eighteen thousand three hundred (18,300) but less than nineteen thousand three hundred (19,300);**

~~(7) more than nineteen thousand three hundred (19,300) but less than nineteen thousand five hundred (19,500);~~ **twenty thousand three hundred (20,300) but less than twenty thousand five hundred (20,500);**

~~(8) more than eleven thousand (11,000) but less than twelve thousand six hundred (12,600);~~ **twelve thousand (12,000) but less than thirteen thousand five hundred (13,500);**

~~(9) more than ten thousand (10,000) but less than eleven thousand (11,000);~~ **ten thousand (10,000) but less than ten thousand seven hundred (10,700); or**

~~(10) more than nine thousand five hundred (9,500) but less than ten thousand (10,000);~~ **ten thousand seven hundred (10,700) but less than twelve thousand (12,000).**

SECTION 67. IC 8-16-3.1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 1. (a) As used in this chapter, "eligible county" means a county that has:

- (1) a population of more than one hundred thousand (100,000) but less than seven hundred thousand (700,000); and
- (2) a major obstruction between commercial or population centers which is capable of causing an economic hardship because of excess travel required to conduct a normal level of commerce between the two (2) centers.

A major obstruction which is a part of a county boundary or a state boundary does not qualify for the purpose of this chapter.

(b) As used in this chapter, "major bridge" means the following:



(1) A structure that is two hundred (200) or more feet in length and that is erected over a depression or an obstruction for the purpose of carrying motor vehicular traffic or other moving loads. However, the structure shall be one hundred (100) or more feet in length in a city having the following population:

(A) More than ~~forty-three thousand seven hundred (43,700)~~ but less than ~~forty-four thousand (44,000)~~: **fifty-five thousand (55,000) but less than fifty-nine thousand (59,000).**

(B) More than ~~fifty thousand (50,000)~~ but less than ~~fifty-eight thousand (58,000)~~: **fifty-nine thousand (59,000) but less than fifty-nine thousand seven hundred (59,700).**

(C) More than ~~thirty-three thousand (33,000)~~ but less than ~~thirty-three thousand eight hundred fifty (33,850)~~: **thirty-two thousand eight hundred (32,800) but less than thirty-three thousand (33,000).**

(2) An underpass of any length that is designed to carry motor vehicle traffic or other moving loads.

(c) As used in this chapter, "major obstruction" means a physical barrier to the passage of motor vehicle traffic that inhibits the use of the customary highway construction techniques to bridge the barrier without use of a grade separation structure.

SECTION 68. IC 8-22-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 1. (a) Whenever the fiscal body of an eligible entity adopts an ordinance or a resolution in favor of the acquisition, improvement, operation, or maintenance of an airport or landing field for the entity under this chapter, and declaring a necessity for the airport or landing field, then on the effective date of the ordinance or resolution, there is established as an executive department of the entity a department of aviation, under the control of a board to be known as the board of aviation commissioners.

(b) The following apply to a board of aviation commissioners established under this chapter:

(1) Except as provided in subsections (e) through (f), the board consists of four (4) members.

(2) Except as provided in subsection (e), the executive of the entity shall appoint the members of the board.

(3) Except as provided in subsection (f), not more than two (2) of the members of the board may be of the same political party.

(c) The fiscal body of the entity may provide a per diem for the members of the board in any amount not exceeding thirty-five dollars (\$35) for each whole or part day a member is engaged in board activities. The members of the board shall also be paid their actual

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expenses, which may include the expenses of the members or employees of the board in attending meetings or conventions held to discuss aviation matters.

(d) Before beginning the duties of office, each board member shall take and subscribe the usual oath of office, to be endorsed upon the certificate of appointment, and shall cause that to be filed with the clerk or other officer performing duties similar to that of clerk in the entity. Any person who does not file the oath with the clerk or other officer performing duties similar to that of the clerk within thirty (30) days after the beginning of the term for which he has been appointed, or at the date of his appointment, if appointed after the beginning of the term, is considered to have refused to serve and the office becomes vacant.

(e) Notwithstanding subsection (b), if a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000) has established a board, the county council and the mayors of the two (2) cities in the county having the largest populations may each appoint one (1) additional member to the board, thereby creating a board consisting of a total of seven (7) members. The three (3) additional members serve in the same manner, are accorded the same status, and perform the same duties as the four (4) initial board members, and serve terms of four (4) years. If either the county council or either of the two (2) mayors fails to make appointments to the board, that fact does not prejudice appointments that may be made by the other appointing authority or authorities.

(f) This subsection applies to the following:

(1) A county having a population of more than ~~eighty-five thousand (85,000)~~ but less than ~~eighty-eight thousand (88,000)~~: **ninety thousand (90,000) but less than one hundred thousand (100,000).**

(2) A county having a population of more than ~~thirty thousand (30,000)~~ but less than ~~thirty thousand four hundred (30,400)~~: **thirty-six thousand (36,000) but less than thirty-six thousand seventy-five (36,075).**

Notwithstanding subsection (b), if a county has established a board under this chapter, the county executive may add one (1) additional member to the board so that the board has a total of five (5) members. Not more than three (3) of the five (5) members of the board may be of the same political party. The one (1) additional member shall

(+) serve in the same manner, be accorded the same status, and perform the same duties as the four (4) initial members, and
(-) serve a four (4) year term.



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SECTION 69. IC 8-22-3-4, AS AMENDED BY P.L.111-2001, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 4. (a) Except as provided in subsections (b), (c), (d), (e), and (f), the board consists of four (4) members, whenever the fiscal body of an eligible entity, acting individually, establishes an authority. The members of the board shall be appointed by the executive of the entity, and not more than two (2) members of the board may be of the same political party.

(b) In the event that two (2) cities or one (1) city and one (1) town act jointly to establish an authority under this chapter, the board consists of five (5) members. The executive of each city or town shall each appoint two (2) members to the board. The county executive shall appoint one (1) member to the board. Each member appointed by an executive must be of a different political party than the other appointed member.

(c) In the event that an authority is established by a city or town and a county, acting jointly, the board consists of six (6) members. The executive of each entity shall appoint three (3) members. Not more than two (2) members appointed by each executive may be of the same political party.

(d) In the event that an authority was established under IC 19-6-3 (before its repeal on April 1, 1980) the board consists of five (5) members. Three (3) members of the board shall be appointed by the mayor of the city, and two (2) members of the board shall be appointed by the board of commissioners of the county. Not more than two (2) members representing the city may be members of the same political party, and not more than one (1) member representing the county may be a member of the same political party.

(e) Except as provided in section 4.1(b)(3) of this chapter, the county executive of each Indiana county that is adjacent to a county establishing an authority under this chapter and in which the authority owns real property may appoint one (1) advisory member to the board. An advisory member who is appointed under this subsection:

- (1) must be a resident of the adjacent county;
- (2) may not vote on any matter before the board;
- (3) serves at the pleasure of the appointing authority; and
- (4) serves without compensation or payment for expenses.

(f) The board of an authority established in a city that has a population of more than ~~fourteen thousand seven hundred fifty (14,750)~~ but less than ~~fifteen thousand (15,000)~~ and that is located in a county having a population of more than ~~thirty thousand six hundred (30,600)~~ but less than ~~thirty-one thousand (31,000)~~ **sixteen thousand**

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six hundred (16,600) but less than seventeen thousand four hundred (17,400) consists of five (5) members. The members of the board shall be appointed by the executive of the eligible entity, and not more than three (3) members of the board may be of the same political party.

SECTION 70. IC 8-22-3-4.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 4.1. (a) This section applies only to the board of an airport authority established for a county having a consolidated city.

(b) The board consists of members appointed as follows:

(1) The mayor of the consolidated city shall appoint five (5) members. Each member appointed under this subdivision must be a resident of the county having the consolidated city.

(2) The board of commissioners of the county having the consolidated city shall appoint one (1) member. The member appointed under this subdivision must be a resident of the county having the consolidated city.

(3) The county executive of each Indiana county that fulfills all of the following requirements shall each appoint one (1) member:

(A) The county is adjacent to the county having the consolidated city.

(B) The county has a population of more than ~~seventy-five thousand (75,000)~~ but less than ~~seventy-eight thousand (78,000)~~ **one hundred thousand (100,000) but less than one hundred five thousand (105,000).**

(C) The authority owns real property in the county.

The county executive of a county represented on the board under this subdivision may not appoint an advisory member under section 4(e) of this chapter.

Not more than three (3) members appointed under subdivisions (1) and (2) may be members of the same political party.

(c) At least one (1) member of the board appointed under subsection (b)(1) must also be a resident of a township that:

(1) is located in the county having the consolidated city; and

(2) has a population of:

(A) less than ~~twenty-one thousand two hundred (21,200)~~ **twenty-five thousand (25,000);** or

(B) more than ~~one hundred thousand (100,000)~~ but less than ~~one hundred thirty thousand (130,000)~~ **one hundred thirty-three thousand (133,000) but less than one hundred fifty thousand (150,000).**

(d) A member of the board appointed under subsection (b)(3) must

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be a resident of a township:

- (1) located in the county making the appointment; and
- (2) having a population of more than ~~sixteen thousand (16,000)~~ but less than ~~twenty-five thousand (25,000)~~: **twenty thousand (20,000) but less than twenty-five thousand (25,000).**

(e) A member of the board holds office for four (4) years and until the member's successor is appointed and qualified.

(f) If a vacancy occurs in the board, the authority that appointed the member that vacated the board shall appoint an individual to serve for the remainder of the unexpired term.

(g) A board member may be reappointed to successive terms.

(h) A board member may be impeached under the procedure provided for the impeachment of county officers.

(i) A board member appointed under subsection (b)(3) may not vote on a matter before the board relating to imposing, increasing, or decreasing property taxes in the county having the consolidated city.

SECTION 71. IC 8-22-3.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 1. This chapter applies to the following:

- (1) Each county having a consolidated city.
- (2) Each city having a population of more than ~~one hundred ten thousand (110,000)~~ but less than ~~one hundred twenty thousand (120,000)~~: **ninety thousand (90,000) but less than one hundred five thousand (105,000).**
- (3) Each county having a population of more than ~~one hundred thousand (100,000)~~ but less than ~~one hundred seven thousand (107,000)~~: **one hundred five thousand (105,000) but less than one hundred ten thousand (110,000).**
- (4) Each county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).
- (5) Each county having a population of more than ~~one hundred sixty thousand (160,000)~~ but less than ~~two hundred thousand (200,000)~~: **one hundred seventy thousand (170,000) but less than one hundred eighty thousand (180,000).**

SECTION 72. IC 8-22-3.6-3, AS AMENDED BY SEA 357-2002, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 3. (a) An authority that is located in a:

- (1) city having a population of more than ~~one hundred ten thousand (110,000)~~ but less than ~~one hundred twenty thousand (120,000)~~: **ninety thousand (90,000) but less than one hundred five thousand (105,000);**



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(2) county having a population of more than one hundred five thousand (105,000) but less than one hundred ten thousand (110,000); or

(3) county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000);

may enter into a lease of an airport project with a lessor for a term not to exceed fifty (50) years and the lease may provide for payments to be made by the airport authority from property taxes levied under IC 8-22-3-17, taxes allocated under IC 8-22-3.5-9, any other revenues available to the airport authority, or any combination of these sources.

(b) A lease may provide that payments by the authority to the lessor are required only to the extent and only for the period that the lessor is able to provide the leased facilities in accordance with the lease. The terms of each lease must be based upon the value of the facilities leased and may not create a debt of the authority or the eligible entity for purposes of the Constitution of the State of Indiana.

(c) A lease may be entered into by the authority only after a public hearing by the board at which all interested parties are provided the opportunity to be heard. After the public hearing, the board may adopt an ordinance authorizing the execution of the lease if it finds that the service to be provided throughout the term of the lease will serve the public purpose of the authority and is in the best interest of the residents of the authority district.

(d) Upon execution of a lease providing for payments by the authority in whole or in part from the levy of property taxes under IC 8-22-3-17, the board shall publish notice of the execution of the lease and its approval in accordance with IC 5-3-1. Fifty (50) or more taxpayers residing in the authority district who will be affected by the lease and who may be of the opinion that no necessity exists for the execution of the lease or that the payments provided for in the lease are not fair and reasonable may file a petition in the office of the county auditor within thirty (30) days after the publication of the notice of execution and approval. The petition must set forth the petitioners' names, addresses, and objections to the lease and the facts showing that the execution of the lease is unnecessary or unwise or that the payments provided for in the lease are not fair and reasonable, as the case may be.

(e) Upon the filing of a petition under subsection (d), the county auditor shall immediately certify a copy of the petition, together with any other data necessary to present the questions involved, to the department of local government finance. Upon receipt of the certified

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petition and information, the department of local government finance shall fix a time and place for a hearing in the authority district, which must be not less than five (5) or more than thirty (30) days after the time is fixed. Notice of the hearing shall be given by the department of local government finance to the members of the board, and to the first fifty (50) petitioners on the petition, by a letter signed by one (1) member of the state board of tax commissioners and enclosed with fully prepaid postage sent to those persons at their usual place of residence, at least five (5) days before the date of the hearing. The decision of the department of local government finance on the appeal, upon the necessity for the execution of the lease, and as to whether the payments under it are fair and reasonable, is final.

(f) An authority entering into a lease payable from any sources permitted under this chapter may:

(1) pledge the revenue to make payments under the lease pursuant to IC 5-1-14-4; or

(2) establish a special fund to make the payments.

(g) Lease rentals may be limited to money in the special fund so that the obligations of the airport authority to make the lease rental payments are not considered debt of the unit or the district for purposes of the Constitution of the State of Indiana.

(h) Except as provided in this section, no approvals of any governmental body or agency are required before the authority enters into a lease under this section.

(i) An action to contest the validity of the lease or to enjoin the performance of any of its terms and conditions must be brought within thirty (30) days after the later of:

(1) the public hearing described in subsection (c); or

(2) the publication of the notice of the execution and approval of the lease described in subsection (d), if the lease is payable in whole or in part from tax levies.

However, if the lease is payable in whole or in part from tax levies and an appeal has been taken to the department of local government finance, an action to contest the validity or enjoin the performance must be brought within thirty (30) days after the decision of the department of local government finance.

(j) If an authority exercises an option to buy an airport project from a lessor, the authority may subsequently sell the airport project, without regard to any other statute, to the lessor at the end of the lease term at a price set forth in the lease or at fair market value established at the time of the sale by the authority through auction, appraisal, or arms length negotiation. If the airport project is sold at auction, after

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appraisal, or through negotiation, the board shall conduct a hearing after public notice in accordance with IC 5-3-1 before the sale. Any action to contest the sale must be brought within fifteen (15) days of the hearing.

SECTION 73. IC 8-22-3.7-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 4.5. Notwithstanding IC 8-22-1-6, as used in this chapter, "eligible entity" means the following:

- (1) A city having a population of more than ~~one hundred ten thousand (110,000)~~ but less than one hundred twenty thousand ~~(120,000)~~; **ninety thousand (90,000) but less than one hundred five thousand (105,000).**
- (2) A county having a population of more than ~~one hundred thousand (100,000)~~ but less than one hundred seven thousand ~~(107,000)~~; **one hundred five thousand (105,000) but less than one hundred ten thousand (110,000).**
- (3) A county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).

SECTION 74. IC 9-23-2-2, AS AMENDED BY P.L.74-2001, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 2. (a) An application for a license under this chapter must:

- (1) be accompanied by the fee required under IC 9-29-8;
- (2) be on a form prescribed by the bureau; and
- (3) contain the information the bureau considers necessary to enable the bureau to determine fully the following information:
 - (A) The qualifications and eligibility of the applicant to receive the license.
 - (B) The location of each of the applicant's places of business in Indiana.
 - (C) The ability of the applicant to conduct properly the business for which the application is submitted.

(b) An application for a license as a dealer must show whether the applicant proposes to sell new or used motor vehicles, or both.

(c) An applicant who proposes to use the Internet or other computer network in aid of its sale of motor vehicles to consumers in Indiana, which activities may result in the creation of business records outside Indiana, shall provide the division with the name, address, and telephone number of the person who has control of those business records. The bureau may not issue a license to a dealer who transacts business in this manner who does not have an established place of

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business in Indiana.

(d) This subsection applies to an application for a license as a dealer in a city having a population of more than ~~one hundred ten thousand (110,000)~~ but less than ~~one hundred twenty thousand (120,000)~~; **ninety thousand (90,000) but less than one hundred five thousand (105,000)**. The application must include an affidavit from:

(1) the person charged with enforcing a zoning ordinance described in this subsection; or

(2) the zoning enforcement officer under IC 36-7-4, if one exists; who has jurisdiction over the real property where the applicant wants to operate as a dealer. The affidavit must state that the proposed location is zoned for the operation of a dealer's establishment. The applicant may file the affidavit at any time after the filing of the application. However, the bureau may not issue a license until the applicant files the affidavit.

SECTION 75. IC 9-23-2-4, AS AMENDED BY P.L.74-2001, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 4. (a) The license issued to a factory branch, a distributor branch, an automobile auctioneer, a transfer dealer, or a dealer under this chapter must specify the location of each place of business and shall be conspicuously displayed at each business location.

(b) If a business name or location is changed, the holder shall notify the bureau within ten (10) days and remit the fee required under IC 9-29-8. The bureau shall endorse that change on the license if the bureau determines that the change is not subject to other provisions of this article.

(c) A dealer who uses the Internet or other computer network to facilitate the sale of motor vehicles as set forth in section 2(c) of this chapter shall notify the bureau within ten (10) days upon any change in the name, address, or telephone number of business records located outside Indiana that have been created in transactions made in Indiana by the dealer. A report made under this subsection is not subject to the fee required under IC 9-29-8-5.

(d) This subsection applies to a dealer in a city having a population of more than ~~one hundred ten thousand (110,000)~~ but less than ~~one hundred twenty thousand (120,000)~~; **ninety thousand (90,000) but less than one hundred five thousand (105,000)**. A dealer who wants to change a location must submit to the bureau an application for approval of the change. The application must be accompanied by an affidavit from:

(1) the person charged with enforcing a zoning ordinance



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described in this subsection; or

(2) the zoning enforcement officer under IC 36-7-4, if one exists; who has jurisdiction over the real property where the applicant wants to operate as a dealer. The affidavit must state that the proposed location is zoned for the operation of a dealer's establishment. The bureau may not approve a change of location or endorse a change of location on the dealer's license until the dealer provides the affidavit.

(e) For the purpose of this section, an offsite license issued under section 7 of this chapter does not constitute a change of location.

SECTION 76. IC 10-7-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. (a) There is ~~hereby~~ created a commission to be known as the Indiana war memorials commission. ~~which shall consist~~

(b) The commission consists of one (1) member from ten (10) members. Each **Indiana** congressional district ~~of the state; must be represented by at least one (1) member who is a resident of that congressional district.~~ Each ~~of whom shall commission member must~~ have been a veteran of service in the armed forces of the United States of America in time of war and a citizen of Indiana at the time of such service to be appointed in the manner and for the terms, to have the powers and perform the duties as provided in this chapter. ~~and to be referred to in this chapter as "the commission".~~ Said

(c) The commission, as such and in such name, may prosecute and defend suits and shall have all other duties, rights, and powers incident to the carrying out and not inconsistent with the provisions of this chapter. ~~provided, however, that~~

(d) The members constituting such of the commission shall not be liable in their individual capacity, except to the state of Indiana, for any act done or omitted in connection with the performance of their duties under the provisions of this chapter.

~~(b)~~ **(e)** Any suit brought against ~~said the~~ commission shall be begun in some court of competent jurisdiction in the county of Marion, state of Indiana, and notice or summons ~~thereof of the suit shall~~ be served upon the president, vice president, or secretary of ~~said the~~ commission, and in any such suit, it shall not be necessary to name the individual members of ~~said the~~ commission as either plaintiff or defendant, but they shall have the right to sue and be sued in the name of the Indiana war memorials commission. ~~Said~~

(f) The commission shall report to the governor through the adjutant general and shall be under the adjutant general for administrative supervision.

SECTION 77. IC 10-7-2-2 IS AMENDED TO READ AS



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FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. The governor of the state shall appoint members of the commission for a term of three (3) years, subject to removal as herein provided. ~~In the event that an additional congressional district be created, the governor shall appoint a member from such district, who shall serve for a term of three (3) years.~~ ~~Said~~ The commissioners shall be persons of high standing and character, and shall serve without compensation, but may receive reimbursement for any reasonable expenses necessarily incurred by them in the performance of their duties. ~~Said~~ The commissioners shall be selected without regard to their political affiliations, but not more than six (6) of ~~said the~~ commissioners, at any time, shall be of the same political party. The governor may, for just cause, based upon written charges specifying the alleged misconduct, remove any member of ~~said the~~ commission, after notice to such member and a public hearing. In case of a vacancy, caused by removal or otherwise, the governor shall appoint some qualified person to fill the unexpired term.

SECTION 78. IC 10-9-2-2, AS ADDED BY P.L.178-1999, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. (a) The foundation consists of fifteen (15) voting members and four (4) nonvoting advisory members.

(b) The voting members shall be appointed by the governor. The voting members are as follows:

- (1) The executive director, subject to subsection (d).
- (2) The state fire marshal.
- (3) The state building commissioner.
- (4) The deputy director of the state emergency management agency.
- (5) The deputy director of the state emergency management agency for emergency medical services.
- (6) Ten (10) ~~members, individuals appointed by the governor.~~ **Each representing a Indiana congressional district in the state: must be represented by at least one (1) member who is a resident of that congressional district.** Not more than five (5) of the members may represent the same political party.

(c) The four (4) nonvoting advisory members are as follows:

- (1) Two (2) members, one (1) from each political party, appointed by the president pro tempore of the senate with advice from the minority leader of the senate.
- (2) Two (2) members, one (1) from each political party, appointed by the speaker of the house of representatives with advice from the minority leader of the house of representatives.

(d) The executive director may vote for tie breaking purposes only.



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(e) In the absence of a member, the member's vote may be cast by another member if the member casting the vote has a written proxy in proper form as required by the foundation.

SECTION 79. IC 11-10-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 4. (a) All teachers employed by the department are subject to all provisions of law concerning the minimum salary of teachers and membership in any teachers' retirement fund plan. The commissioner or the commissioner's designated representative shall annually determine the salary schedule of the largest school corporation of the county in which each correctional institution is located.

(b) Except as provided in subsections (e) through (f), from the information described in subsection (a), the commissioner shall prescribe, subject to approval by the state personnel department and the budget agency, a salary schedule for each correctional institution, using a daily rate of pay for each teacher, which must be equal to that of the largest school corporation in the county in which the correctional institution is located.

(c) The commissioner shall prescribe the terms of the annual contract awarded to licensed teachers qualifying for payment under the schedule established under subsection (b).

(d) Hours of work for all teachers shall be set in accordance with IC 4-15-2.

(e) If the school corporation in which the correctional institution is located becomes the largest school corporation in the county in which the correctional institution is located, the daily rate of pay for each teacher must be equal to that of the school corporation in which the correctional institution is located without regard to whether the school corporation in which the correctional institution is located remains the largest school corporation in the county.

(f) Using a daily rate of pay for each teacher, the salary schedule for each correctional institution located in a county having a population of:

(1) more than ~~fifteen thousand (15,000)~~ but less than ~~sixteen thousand (16,000)~~; **seventeen thousand (17,000) but less than seventeen thousand five hundred (17,500)**; or

(2) more than ~~seventy-five thousand (75,000)~~ but less than ~~seventy-eight thousand (78,000)~~; **one hundred thousand (100,000) but less than one hundred five thousand (105,000)**;

must be equal to that of the school corporation in which the correctional institution is located.

SECTION 80. IC 11-12-6-11.1, AS ADDED BY P.L.242-1999, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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APRIL 1, 2002]: Sec. 11.1. (a) The minimum allocation amount under this chapter, which represents the dollar amount each county was entitled to receive under level 3 funding in state fiscal year 1998, is as follows:

Adams County	14,000
Allen County	129,500
Bartholomew County	35,000
Benton County	3,500
Blackford County	14,000
Boone County	14,000
Brown County	3,500
Carroll County	7,000
Cass County	17,500
Clark County	49,000
Clay County	7,000
Clinton County	17,500
Crawford County	3,500
Daviess County	7,000
Dearborn County	35,000
Decatur County	24,500
Dekalb County	24,500
Delaware County	35,000
Dubois County	45,500
Elkhart County	52,500
Fayette County	10,500
Floyd County	21,000
Fountain County	7,000
Franklin County	7,000
Fulton County	14,000
Gibson County	24,500
Grant County	28,000
Greene County	17,500
Hamilton County	28,000
Hancock County	10,500
Harrison County	24,500
Hendricks County	24,500
Henry County	17,500
Howard County	66,500
Huntington County	10,500
Jackson County	45,500
Jasper County	14,000
Jay County	7,000

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Jefferson County	21,000
Jennings County	10,500
Johnson County	31,500
Knox County	14,000
Kosciusko County	42,000
LaGrange County	7,000
Lake County	234,500
LaPorte County	35,000
Lawrence County	52,500
Madison County	101,500
Marion County	294,000
Marshall County	35,000
Martin County	3,500
Miami County	24,500
Monroe County	35,000
Montgomery County	24,500
Morgan County	31,500
Newton County	7,000
Noble County	28,000
Ohio County	3,500
Orange County	7,000
Owen County	7,000
Parke County	7,000
Perry County	14,000
Pike County	10,500
Porter County	42,000
Posey County	14,000
Pulaski County	10,500
Putnam County	14,000
Randolph County	10,500
Ripley County	17,500
Rush County	7,000
St. Joseph County	112,000
Scott County	31,500
Shelby County	17,500
Spencer County	10,500
Starke County	10,500
Steuben County	14,000
Sullivan County	7,000
Switzerland County	7,000
Tippecanoe County	56,000
Tipton County	3,500

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Union County	3,500
Vanderburgh County	161,000
Vermillion County	14,000
Vigo County	42,000
Wabash County	21,000
Warren County	7,000
Warrick County	21,000
Washington County	31,500
Wayne County	38,500
Wells County	10,500
White County	14,000
Whitley County	17,500

(b) The multiplier under this chapter for each county, which represents each county's approximate proportion of the total state population, is as follows:

Adams County	.0057 .0055
Allen County	.0548 .0546
Bartholomew County	.0114 .0117
Benton County	.0017 .0015
Blackford County	.0024 .0023
Boone County	.0070 .0076
Brown County	.0026 .0025
Carroll County	.0033
Cass County	.0068 .0067
Clark County	.0155 .0159
Clay County	.0044
Clinton County	.0055 .0056
Crawford County	.0018
Daviess County	.0049
Dearborn County	.0072 .0076
Decatur County	.0042 .0040
Dekalb County	.0064 .0066
Delaware County	.0213 .0195
Dubois County	.0067 .0065
Elkhart County	.0291 .0301
Fayette County	.0046 .0042
Floyd County	.0117 .0116
Fountain County	.0031 .0030
Franklin County	.0036
Fulton County	.0034
Gibson County	.0056 .0053
Grant County	.0129 .0121

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Greene County	.0054 .0055
Hamilton County	.0214 .0301
Hancock County	.0083 .0091
Harrison County	.0055 .0056
Hendricks County	.0139 .0171
Henry County	.0084 .0080
Howard County	.0143 .0140
Huntington County	.0063
Jackson County	.0068
Jasper County	.0045 .0049
Jay County	.0038 .0036
Jefferson County	.0053 .0052
Jennings County	.0043 .0045
Johnson County	.0163 .0189
Knox County	.0070 .0065
Kosciusko County	.0121 .0122
LaGrange County	.0056 .0057
Lake County	.0835 .0797
LaPorte County	.0191 .0181
Lawrence County	.0076
Madison County	.0229 .0219
Marion County	.1465 .1415
Marshall County	.0077 .0074
Martin County	.0018 .0017
Miami County	.0056 .0059
Monroe County	.0203 .0198
Montgomery County	.0061 .0062
Morgan County	.0103 .0110
Newton County	.0024
Noble County	.0070 .0076
Ohio County	.0010 .0009
Orange County	.0033 .0032
Owen County	.0032 .0036
Parke County	.0027 .0028
Perry County	.0034 .0031
Pike County	.0022 .0021
Porter County	.0233 .0241
Posey County	.0046 .0045
Pulaski County	.0022 .0023
Putnam County	.0055 .0059
Randolph County	.0047 .0045
Ripley County	.0044

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Rush County	.0032 .0030
St. Joseph County	.0447 .0437
Scott County	.0038
Shelby County	.0072 .0071
Spencer County	.0035 .0034
Starke County	.0041 .0039
Steuben County	.0050 .0055
Sullivan County	.0034 .0036
Switzerland County	.0014 .0015
Tippecanoe County	.0241 .0245
Tipton County	.0028 .0027
Union County	.0012
Vanderburgh County	.0292 .0283
Vermillion County	.0029 .0028
Vigo County	.0186 .0174
Wabash County	.0061 .0058
Warren County	.0014
Warrick County	.0082 .0086
Washington County	.0043 .0045
Wayne County	.0126 .0117
Wells County	.0047 .0045
White County	.0041 .0042
Whitley County	.0050 .0051

SECTION 81. IC 12-15-12-14, AS ADDED BY P.L.291-2001, SECTION 160, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 14. (a) This section applies to a Medicaid recipient who:

- (1) is determined by the office to be eligible for enrollment in a Medicaid managed care program; and
- (2) resides in a county having a population of:
 - (A) more than ~~one hundred fifty thousand (150,000)~~ but less than ~~one hundred sixty thousand (160,000)~~: **one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000);**
 - (B) more than ~~one hundred sixty thousand (160,000)~~ but less than ~~two hundred thousand (200,000)~~: **one hundred seventy thousand (170,000) but less than one hundred eighty thousand (180,000);**
 - (C) more than two hundred thousand (200,000) but less than three hundred thousand (300,000);
 - (D) more than three hundred thousand (300,000) but less than four hundred thousand (400,000); or



(E) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(b) Not later than January 1, 2003, the office shall require a recipient described in subsection (a) to enroll in the risk-based managed care program.

(c) The office:

(1) shall apply to the United States Department of Health and Human Services for any approval necessary; and

(2) may adopt rules under IC 4-22-2;

to implement this section.

SECTION 82. IC 12-24-18-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 1. This chapter applies to a city having a population of more than ~~thirty-seven thousand (37,000)~~ but less than ~~forty thousand (40,000)~~; **thirty-nine thousand one hundred (39,100) but less than forty-six thousand (46,000).**

SECTION 83. IC 12-28-5-12, AS AMENDED BY P.L.263-2001, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 12. (a) The council may license only those supervised group living facilities that:

(1) meet the standards established under section 10 of this chapter; and

(2) are necessary to provide adequate services to developmentally disabled individuals in that geographic area.

(b) A supervised group living facility described in subsection (c) may locate in only one (1) of the following counties:

(1) A county having a population of more than ~~twenty-five thousand nine hundred fifty (25,950)~~ but less than ~~twenty-six thousand (26,000)~~; **twenty-seven thousand (27,000) but less than twenty-seven thousand two hundred (27,200).**

(2) A county having a population of more than ~~one hundred sixty thousand (160,000)~~ but less than ~~two hundred thousand (200,000)~~; **or one hundred seventy thousand (170,000) but less than one hundred eighty thousand (180,000).**

(3) A county having a population of more than ~~forty-four thousand (44,000)~~ but less than ~~forty-five thousand (45,000)~~; **fifty thousand (50,000) but less than fifty-five thousand (55,000).**

(c) Notwithstanding 431 IAC 1.1-3-7(c) and 431 IAC 1.1-3-7(d), the council shall license one (1) supervised group living facility that is located less than one thousand (1,000) feet from another supervised group living facility or a sheltered workshop under the following conditions:

(1) Both of the supervised group living facilities meet all

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standards for licensure as provided in section 10(3) of this chapter.

(2) Both of the supervised group living facilities are built on land that is owned by one (1) private entity.

(3) The community formed by the supervised group living facilities provides job opportunities for residents of the supervised group living facilities.

(d) The council may approve an entity to provide supported living services only if the entity meets the standards established under section 10 of this chapter.

SECTION 84. IC 12-29-2-2, AS AMENDED BY SEA 357-2002, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]:
Sec. 2. (a) Subject to subsection (b), a county shall fund the operation of community mental health centers in an amount not less than the amount that would be raised by an annual tax rate of one and thirty-three hundredths cents (\$0.0133) on each one hundred dollars (\$100) of taxable property within the county, unless a lower tax rate will be adequate to fulfill the county's financial obligations under this chapter in any of the following situations:

(1) If the total population of the county is served by one (1) center.

(2) If the total population of the county is served by more than one (1) center.

(3) If the partial population of the county is served by one (1) center.

(4) If the partial population of the county is served by more than one (1) center.

(b) This subsection applies only to a property tax that is imposed in a county ~~having a population of more than seven hundred thousand (700,000):~~ **containing a consolidated city.** The tax rate permitted under subsection (a) for taxes first due and payable after calendar year 1995 is the tax rate permitted under subsection (a) as adjusted under this subsection. For each year in which a general reassessment of property will take effect, the department of local government finance shall compute the maximum rate permitted under subsection (a) as follows:

STEP ONE: Determine the maximum rate for the year preceding the year in which the general reassessment takes effect.

STEP TWO: Determine the actual percentage increase (rounded to the nearest one-hundredth percent) in the assessed value of the taxable property from the year preceding the year the general reassessment takes effect to the year that the general reassessment

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is effective.

STEP THREE: Determine the three (3) calendar years that immediately precede the ensuing calendar year and in which a statewide general reassessment of real property does not first become effective.

STEP FOUR: Compute separately, for each of the calendar years determined in STEP THREE, the actual percentage increase (rounded to the nearest one-hundredth percent) in the assessed value of the taxable property from the preceding year.

STEP FIVE: Divide the sum of the three (3) quotients computed in STEP FOUR by three (3).

STEP SIX: Determine the greater of the following:

(A) Zero (0).

(B) The result of the STEP TWO percentage minus the STEP FIVE percentage.

STEP SEVEN: Determine the quotient of the STEP ONE tax rate divided by one (1) plus the STEP SIX percentage increase.

This maximum rate is the maximum rate under this section until a new maximum rate is computed under this subsection for the next year in which a general reassessment of property will take effect.

SECTION 85. IC 13-13-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 1. The commissioner shall establish a northwest Indiana advisory board to serve the following counties:

(1) A county that has a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(2) A county that has a population of more than ~~one hundred seven thousand (107,000)~~ but less than ~~one hundred eight thousand (108,000)~~: **one hundred ten thousand (110,000) but less than one hundred fifteen thousand (115,000).**

(3) A county that has a population of more than ~~one hundred twenty-five thousand (125,000)~~ but less than ~~one hundred twenty-nine thousand (129,000)~~: **one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000).**

SECTION 86. IC 13-17-5-5.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 5.4. (a) This section applies to the following counties:

(1) A county having a population of more than ~~sixty-four thousand (64,000)~~ but less than ~~sixty-five thousand (65,000)~~: **seventy thousand (70,000) but less than seventy-one thousand**



(71,000).

(2) A county having a population of more than ~~eighty-five thousand (85,000) but less than eighty-eight thousand (88,000):~~ **ninety thousand (90,000) but less than one hundred thousand (100,000).**

(b) For the purpose of determining the number of inspection stations operating in a county under this subsection, a temporary or portable inspection station counts as an inspection station. After July 1, 1997, the department must maintain in a county under subsection (a) an equal or greater number of inspection stations as were operating in the county on July 1, 1996.

SECTION 87. IC 13-17-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 2. The department may not issue a permit for the construction or the operation of a thermal oxidation unit that would be used only to remediate soil contaminated by petroleum or a petroleum byproduct if the thermal oxidation unit would be constructed or operated in a county that:

(1) has a population of:

(A) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or

(B) more than ~~one hundred twenty-five thousand (125,000) but less than one hundred twenty-nine thousand (129,000);~~ **one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000);** and

(2) is located in an air quality control area that has been classified as a nonattainment area under the federal Clean Air Act (42 U.S.C. 7401 et seq.);

unless it can be demonstrated that the thermal oxidation unit is in compliance with a state implementation plan submitted under Section 182 of the federal Clean Air Act (42 U.S.C. 7511a).

SECTION 88. IC 13-20-23-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 2. A township that has one (1) of the following populations and meets the requirements of section 3 of this chapter is entitled to receive the following percentage of disposal fees paid to the county in which the township is located:

Township Population	Percentage
More than 1,700	
but Less than 1,800 3,000	8%
More than 3,300 3,200	6%
but less than 3,500 3,900	
More than 59,000 60,000	6%
but less than 63,000 90,000	



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SECTION 89. IC 13-21-3-12.2, AS ADDED BY P.L.98-2000, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 12.2. (a) This section applies to a county having a population of more than ~~one hundred sixty thousand (160,000) but less than two hundred thousand (200,000):~~ **one hundred seventy thousand (170,000) but less than one hundred eighty thousand (180,000).**

(b) In addition to the powers granted to a district under section 12 of this chapter, a district may make grants or loans of money, property, or services to a public or private program to plant or maintain trees in an area of the district that is a right-of-way, public property, or vacant property.

SECTION 90. IC 13-21-3-14.5, AS AMENDED BY P.L.70-2001, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 14.5. (a) This section does not apply to the following:

- (1) The continuation of waste management services that a solid waste district provides with its facilities or work force before March 15, 1996.
- (2) Waste management services provided to the district under an agreement entered into by the district before March 15, 1996, with another person until the agreement terminates by its terms or is terminated for cause.
- (3) The development, operation, and contracting for the development or operation of a publicly owned solid waste landfill in a county having a population of more than ~~one hundred seven thousand (107,000) but less than one hundred eight thousand (108,000):~~ **one hundred ten thousand (110,000) but less than one hundred fifteen thousand (115,000).** The operation of the landfill must have begun before July 1, 2001.
- (4) A contract entered into between the board and a third party before May 1, 1997, for the development or operation of a solid waste landfill in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). The third party is limited to those parties that submitted proposals to the board under a formal request for proposals that were selected by the board, before December 1, 1995, as finalists in the contract negotiations.
- (5) A contract between a board and a third party to operate a facility that is owned by the district and for which construction was substantially complete before March 1, 1996.
- (6) Activities conducted as part of household hazardous waste (as

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defined in IC 13-11-2-104) collection and disposal projects.

- (b) Except as provided in subsection (c), a district may not:
- (1) undertake to provide waste management services by means of its own work force; or
 - (2) contract with any person to provide waste management services.

(c) A district may perform the activities described in subsection (b):

- (1) if:
 - (A) the board is able to adopt a resolution under subsection (d); and
 - (B) a private sector entity is not willing or able to provide waste management services at a reasonable cost to the district; or
- (2) if the district is requested to do so by a unit of government that performs the activities with the unit's work force.

(d) The board may adopt a resolution determining that the district must either provide waste management services by means of its own work force or contract with a person to provide waste management services, only if the board finds that:

- (1) the waste management service is not currently available in the district at a reasonable cost; and
- (2) providing the waste management service by means of its own work force or by contract will benefit the public health, welfare, and safety of residents of the district.

The board's determination must be supported with findings of fact.

(e) A district shall provide notice by publication under IC 5-3-1 and at the time of publication serve by first class mail to any person that delivers to the district an annual written request for notices before January 1 of any meeting to consider adoption of a resolution making a preliminary determination that it is necessary for the district to undertake to provide waste management services by means of its own work force or contract with any person to provide waste management services.

(f) Whenever a district evaluates the reasonableness of cost under this section, it shall:

- (1) compare the cost of the same level of service provided in the district or in similar demographic areas within Indiana; and
- (2) if the district wishes to provide waste management services with its own facilities or work force, the district must disclose the entire cost of providing the service by the district, including the following:
 - (A) subsidies arising from taxes, fees, grants, or



intergovernmental transfers;

(B) in-kind contributions of real estate, interests in real estate, equipment, personnel, or other assets;

(C) discounts; and

(D) tax exemptions.

(g) A resolution adopted under subsection (d) may authorize a district to perform more than one (1) solid waste recycling, collection, or disposal event in the manner described in subsection (b) if:

(1) the duration of each event authorized by the resolution is not more than one (1) day; and

(2) all events authorized by the resolution will take place in one (1) calendar year.

SECTION 91. IC 13-21-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 1. (a) A board may impose fees on the disposal of solid waste in a final disposal facility located within the district. A fee imposed by a board in a county with a population of more than ~~one hundred seven thousand (107,000)~~ and less than ~~one hundred eight thousand (108,000)~~ **one hundred ten thousand (110,000) but less than one hundred fifteen thousand (115,000)** under this section may not exceed two dollars and fifty cents (\$2.50) a ton. A fee imposed by a board in other counties under this section may not exceed:

(1) two dollars and fifty cents (\$2.50) a ton; or

(2) the amount of a fee imposed by the board;

(A) under this section; and

(B) in effect on January 1, 1993;

whichever is greater.

(b) The board shall do the following:

(1) Set the amount of fees imposed under this section after a public hearing.

(2) Give public notice of the hearing.

(c) If solid waste has been subject to a district fee under this section, the total amount of the fee that was paid shall be credited against a district fee to which the solid waste may later be subject under this section.

(d) Except as provided in section 4 of this chapter, fees imposed under this chapter shall be imposed uniformly on public facilities and on privately owned or operated facilities throughout the district.

(e) A resolution adopted by a board that establishes fees under this chapter may contain a provision that authorizes the board to impose a penalty of not more than five hundred dollars (\$500) per day because of:

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- (1) nonpayment of fees; or
- (2) noncompliance with a condition in the resolution.

(f) A board may not impose fees for material used as alternate daily cover pursuant to a permit issued by the department under 329 IAC 10-20-13.

SECTION 92. IC 14-12-2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 14. (a) The Indiana heritage trust project committee is established.

(b) The project committee consists of the following sixteen (16) members:

- (1) The director of the division of fish and wildlife.
- (2) The director of the division of forestry.
- (3) The director of the division of nature preserves.
- (4) The director of the division of state parks.
- (5) The director of the division of outdoor recreation.
- (6) The director of the division of state museums and historic sites.
- (7) Ten (10) individuals appointed by the governor. **The governor shall appoint individuals so that all the following are satisfied:**

- (A) ~~who are~~ **The individuals must be** residents of Indiana.
- (B) ~~who~~ **The individuals must** have a demonstrated interest or experience in:
 - (i) conservation of natural resources; or
 - (ii) management of public property.
- (C) ~~Each of whom resides in a different~~ **Indiana congressional district and must be represented by at least one (1) individual who is a resident of that congressional district.**
- (D) ~~who~~ **The individuals must** represent the following:
 - (i) The environmentalist community.
 - (ii) The academic community.
 - (iii) Organized hunting and fishing groups.
 - (iv) The forest products community.
 - (v) The parks and recreation community.

SECTION 93. IC 14-15-3-17, AS AMENDED BY P.L.38-2000, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 17. (a) A person operating a motorboat may not approach or pass within two hundred (200) feet of the shore line of a lake or channel of the lake at a place or point where the lake or channel is at least five hundred (500) feet in width, except for the purpose of trolling or for the purpose of approaching or leaving a dock, pier, or wharf or the shore of the lake or channel.



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(b) Except as provided in subsection (c), a person operating a motorboat may not approach or pass within two hundred (200) feet of the shore line of a lake or channel of the lake at a speed greater than idle speed.

(c) This subsection applies to lakes formed by hydroelectric dams in a county having a population of:

(1) more than ~~twenty-three thousand (23,000) but less than twenty-three thousand five hundred (23,500);~~ **twenty-five thousand (25,000) but less than twenty-five thousand five hundred (25,500);** or

(2) more than ~~eighteen thousand five hundred (18,500) but less than eighteen thousand eight hundred twenty (18,820);~~ **twenty thousand (20,000) but less than twenty thousand three hundred (20,300).**

A person operating a motorboat may not approach or pass within fifty (50) feet of the shore line at a speed greater than idle speed. However, on tributaries of lakes described in this subsection that are formed by hydroelectric dams, a person operating a motor boat may not approach or pass within two hundred (200) feet of the shore line of the tributary at a speed greater than idle speed. For the purposes of this chapter, tributaries on lakes formed by hydroelectric dams do not include the principal body of water flowing into the lakes.

SECTION 94. IC 14-26-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 2. This chapter does not apply to any of the following:

(1) An artificial lake that is created or used in or in connection with the following:

(A) Supplying a city or town with water.

(B) The generation of electric energy.

(C) The storage of water for a use described in clause (A) or (B).

(2) The waters of Lake Michigan.

(3) A lake owned or controlled by the department.

(4) The waters of an artificial lake in a town located in a county having a population of more than ~~thirty-seven thousand eight hundred (37,800) but less than thirty-eight thousand (38,000);~~ **forty-six thousand two hundred fifty (46,250) but less than forty-seven thousand (47,000).**

SECTION 95. IC 14-33-2-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 18. (a) This section applies only to a district to be located in a county having a population of more than ~~seventy-five thousand (75,000) but less than seventy-eight~~

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~~thousand (78,000):~~ **one hundred thousand (100,000) but less than one hundred five thousand (105,000).**

(b) If the court determines that a petition conforms to the requirements, the court shall enter an order referring the petition to the commission.

(c) The commission shall make a determination and report to the court whether the proposed district should be established after determining whether the proposed district meets the following conditions:

- (1) The proposed district appears to be necessary.
- (2) The proposed district holds promise of economic and engineering feasibility.
- (3) The proposed district seems to offer benefits in excess of costs and damages for purposes other than the following:
 - (A) Water supply.
 - (B) Storage of water for augmentation of stream flow.
 - (C) Sewage disposal.
- (4) Whether the public health will be served immediately or prospectively by the establishment of the district for any of the following purposes:
 - (A) Water supply.
 - (B) Sewage disposal.
 - (C) Storage of water for augmentation of stream flow.
 - (D) Any combination of these purposes.
- (5) The proposed district proposes to cover and serve a proper area.
- (6) The proposed district can be established and operated in a manner compatible with established:
 - (A) districts;
 - (B) flood control projects;
 - (C) reservoirs;
 - (D) lakes;
 - (E) drains;
 - (F) levees;
 - (G) regional water districts;
 - (H) regional sewer districts; and
 - (I) other water management or water supply projects.

(d) The fact that all the land included in the proposed district is owned by one (1) freeholder or a limited number of freeholders is not a sufficient reason for the commission or the court to make unfavorable findings on:

- (1) the question of the establishment of the district; and



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(2) later, if the district is established, the approval of the district plan.

However, it must appear from the evidence that the land is subdivided or intended for subdivision and development and that the accomplishment of the purposes proposed and in the manner proposed would be necessary and desirable for the person acquiring and using the land after subdivision and development.

SECTION 96. IC 14-33-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 3. (a) This section applies only to a district located in a county having a population of more than ~~seventy-five thousand (75,000) but less than seventy-eight thousand (78,000)~~ **one hundred thousand (100,000) but less than one hundred five thousand (105,000)**.

(b) To add an area to a district already established, freeholders who desire the expansion:

- (1) must file a petition with the board; and
- (2) shall mail a notice concerning the petition, first class postage prepaid, to each freeholder who:
 - (A) has not signed the petition; and
 - (B) owns land in the proposed district, according to the records of the county auditor.

The freeholders having the notice mailed shall file an affidavit with the board showing the name of each person to whom notice was sent, the address to which the notice was sent, and the date on which the notice was mailed. The petition must meet the requirements of a petition to establish a district under IC 14-33-2-2 through IC 14-33-2-8.

(c) If the board approves the petition, the board shall file the board's resolution and the petition with the following:

- (1) The court having jurisdiction over the district.
- (2) The commission.

The resolution may contain reasonable terms and conditions imposed on the additional area.

(d) Within thirty (30) days after receiving the petition, the commission shall make a determination and report to the court and the board whether addition of the area will have a de minimis effect. Addition of the area will have a de minimis effect if the addition:

- (1) is relatively minor in area; and
- (2) will have little or no measurable impact on:
 - (A) the freeholders within the existing district; or
 - (B) the parties and projects identified in IC 14-33-2-17(c)(6).

The commission may designate an individual from the commission or from the department to make the determination and report to the court.

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In making this determination, the commission or the commission's designee shall hold a public hearing in accordance with IC 14-33-2-19 and IC 14-33-2-20. The commission may adopt policy guidelines or rules to further define the factors examined and the procedures followed in making this determination.

(e) If the commission or the commission's designee determines under subsection (d) that adding the area to the district would have more than a de minimis effect, the commission shall do the following:

- (1) Make a determination under IC 14-33-2-17.
- (2) Make a report of the commission's findings to the court as provided in IC 14-33-2-22.

The remaining procedures in IC 14-33-2-23 through IC 14-33-2-30 for the establishment of a district shall be followed.

(f) If the commission or the commission's designee determines under subsection (d) that adding the area to the district would have a de minimis effect, the court shall do the following:

- (1) Set a date for the hearing.
- (2) Have notice published in the same manner as provided in IC 14-33-2-25(b).

(g) If at the hearing under subsection (f):

- (1) no objections are filed by a freeholder in the proposed district; and
- (2) the court determines the petition is proper;

the court shall order the district established in the additional area.

(h) If objections are filed at the hearing under subsection (f), the court shall do the following:

- (1) Determine at the hearing:
 - (A) the sufficiency of the petition; and
 - (B) the necessity and feasibility of adding the area.
- (2) Make the order according to the facts found.

SECTION 97. IC 14-33-5.4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 1. (a) This chapter applies only to conservancy districts located wholly within a county having a population of more than ~~twenty-two thousand (22,000)~~ but less than ~~twenty-three thousand (23,000)~~; **twenty-three thousand five hundred (23,500) but less than twenty-four thousand (24,000).**

(b) This article governs conservancy districts located wholly within a county having a population of more than ~~twenty-two thousand (22,000)~~ but less than ~~twenty-three thousand (23,000)~~ **twenty-three thousand five hundred (23,500) but less than twenty-four thousand (24,000)** generally except when this article conflicts with a section of this chapter.

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SECTION 98. IC 16-20-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 2. (a) Except as provided in IC 16-20-3, the executive of each county shall by ordinance establish and maintain a local health department.

(b) The executive of a county having a population of more than one hundred ~~twenty-nine~~ **forty-eight** thousand (~~129,000~~) **(148,000)** but less than one hundred ~~thirty~~ **seventy** thousand ~~six hundred~~ (~~130,600~~) **(170,000)** may only establish and maintain one (1) local health department having countywide jurisdiction.

(c) The county executive in a county having a population of more than one hundred ~~twenty-nine~~ **forty-eight** thousand (~~129,000~~) **(148,000)** but less than one hundred ~~thirty~~ **seventy** thousand ~~six hundred~~ (~~130,600~~) **(170,000)** may adopt health ordinances that apply to the entire county.

(d) A health ordinance adopted by a city legislative body after December 31, 1993, in a county having a population of more than one hundred ~~twenty-nine~~ **forty-eight** thousand (~~129,000~~) **(148,000)** but less than one hundred ~~thirty~~ **seventy** thousand ~~six hundred~~ (~~130,600~~) **(170,000)** is void.

SECTION 99. IC 16-20-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 7. (a) In the following counties, the county executive and the executive of the most populous city located in the county shall appoint the members of the local board of health:

(1) A county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).

(2) A county having a population of more than one hundred ~~sixty~~ **seventy** thousand (~~160,000~~) **(170,000)** but less than ~~two hundred~~ **one hundred eighty** thousand (~~200,000~~) **(180,000)**.

(3) A county having a population of more than ~~sixty four~~ **seventy** thousand (~~64,000~~) **(70,000)** but less than ~~sixty-five~~ **seventy-one** thousand (~~65,000~~) **(71,000)**.

(b) Except as provided in subsection (c), the executive of each second class city shall appoint a number of members of the board in the proportion that the city's population is to the total county population to the nearest whole fraction. The appointments made under this subsection shall be made in order, according to the population of a city, with the city having the largest population making the first appointments. The county executive shall appoint the remaining number of members of the county board of health.

(c) The members of the local board of health in a county having a

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population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000) shall be appointed as follows:

(1) Three (3) members shall be appointed by the executive of the most populous city in the county.

(2) Four (4) members shall be appointed by the county executive.

SECTION 100. IC 16-20-2-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 18. (a) This section applies to a county having a population of more than one hundred ~~twenty-nine~~ **forty-eight** thousand ~~(129,000)~~ **(148,000)** but less than one hundred ~~thirty-seventy~~ thousand ~~six hundred (130,600):~~ **(170,000).**

(b) Each year the county fiscal officer shall transfer to the community health clinic located in the county an amount equal to the revenue raised from a property tax rate of one hundred sixty-seven thousandths of one cent (\$0.00167) for each one hundred dollars (\$100) of assessed valuation of the taxable property in the county.

(c) The transfer shall be made in four (4) equal installments before the end of January, April, July, and October. The transfer shall be made without the necessity of an appropriation.

SECTION 101. IC 16-20-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 5. (a) Except as provided in subsection (b), the legislative body of a second class city may by resolution provide for a full-time city health department.

(b) A local official, city legislative body, city fiscal body, or county may not establish a full-time or part-time city health department in a county having a population of more than one hundred ~~twenty-nine~~ **forty-eight** thousand ~~(129,000)~~ **(148,000)** but less than one hundred ~~thirty-seventy~~ thousand ~~six hundred (130,600):~~ **(170,000).**

(c) A health ordinance adopted by a city legislative body after December 31, 1993, in a county having a population of more than one hundred ~~twenty-nine~~ **forty-eight** thousand ~~(129,000)~~ **(148,000)** but less than one hundred ~~thirty-seventy~~ thousand ~~six hundred (130,600)~~ **(170,000)** is void.

SECTION 102. IC 16-20-4-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 27. (a) This section applies to each city having a population of:

(1) more than ~~twenty-five~~ **twenty-eight** thousand ~~five seven~~ hundred ~~(25,500)~~ **(28,700)** but less than ~~twenty-six~~ **twenty-nine** thousand ~~(26,000):~~ **(29,000);** or

(2) more than ~~forty-three~~ **fifty-five** thousand ~~seven hundred~~ **(43,700)** **(55,000)** but less than ~~forty-four~~ **fifty-nine** thousand ~~(44,000):~~ **(59,000).**

(b) Each year the fiscal officer of each city shall transfer to the

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community health clinic located in the county in which the city is located an amount equal to the revenue raised from a property tax rate of sixty-seven hundredths of one cent (\$0.0067) for each one hundred dollars (\$100) of assessed valuation of the taxable property in the city.

(c) The transfer shall be made in four (4) equal installments before the end of January, April, July, and October. The transfer shall be made without the necessity of an appropriation.

SECTION 103. IC 16-22-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 4. (a) This section applies to the governing boards of county hospitals in a county having a population of more than thirty-nine thousand (39,000) but less than ~~forty thirty-nine thousand six hundred (40,000):~~ **(39,600).**

(b) The governing board of a county hospital consists of seven (7) members, as follows:

(1) Three (3) members must be the members of the county executive.

(2) Four (4) members, one (1) of whom may be a licensed physician, shall be appointed by the judge of the circuit court of the county.

(c) The term of office for members of the governing board, other than the members of the county executive, is two (2) years.

SECTION 104. IC 16-22-2-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 12. (a) This section applies to governing boards of a county hospital in a county having a population of more than:

(1) eighteen thousand (18,000) but less than eighteen thousand three hundred (18,300);

(2) twenty-seven thousand ~~(27,000)~~ **four hundred (27,400)** but less than twenty-seven thousand ~~three five hundred (27,300);~~ **(27,500);** and

(3) ~~thirty-seven forty-one thousand (37,000)~~ **(41,000)** but less than ~~thirty-seven forty-three thousand eight hundred (37,800);~~ **(43,000).**

(b) The appointing authority shall appoint a member to fill a vacancy on the governing board within sixty (60) days after the vacancy occurs.

SECTION 105. IC 16-23-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 1. This chapter applies to a nonprofit hospital corporation:

(1) in a city having a population of:

(A) more than one hundred twenty thousand (120,000) but less than one hundred fifty thousand (150,000); or

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- (B) more than ~~ninety one hundred five thousand~~ ~~(90,000)~~ **(105,000)** but less than one hundred ~~ten twenty thousand~~ ~~(110,000)~~; **(120,000)**;
- (2) in a city without a city hospital or other means for furnishing the city's citizens hospital care; and
- (3) that owns property in the city that:
 - (A) is used for hospital purposes; and
 - (B) has a value of at least four hundred thousand dollars (\$400,000).

SECTION 106. IC 16-23-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 1. This chapter applies to a nonprofit hospital corporation:

- (1) in a city having a population of:
 - (A) more than ~~fifty-eight~~ **fifty-nine** thousand ~~(58,000)~~ **seven hundred (59,700)** but less than ~~sixty sixty-five thousand~~ ~~(60,000)~~; **(65,000)**; or
 - (B) more than ~~fifty~~ **fifty-nine** thousand ~~(50,000)~~ **(59,000)** but less than ~~fifty-eight~~ **fifty-nine** thousand **seven hundred (58,000)**; **(59,700)**;
- (2) in a county without a city or other public hospital;
- (3) that admits persons for care and treatment without regard to race, color, or religious creed;
- (4) the revenue of which derived from the care of persons able to pay and from all other sources is expended in the maintenance and operation of the hospital and for the care of persons who are unable to pay to the extent of the hospital's ability to do so;
- (5) the revenue of which is insufficient to support and maintain the hospital and enable the hospital to supply the need and demand for hospital care and nursing in the city, either alone or in conjunction with other hospitals in the city; and
- (6) in a city that has no city hospital under the city's control that is supported entirely by public money.

SECTION 107. IC 16-23-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 1. This chapter applies to a nonprofit hospital corporation that:

- (1) is located in a township having a population of more than ~~six thousand (6,000)~~ but less than twelve thousand ~~(12,000)~~ in a county having a population of more than forty-one thousand ~~(41,000)~~ but less than forty-two thousand five hundred ~~(42,500)~~; **eight thousand (8,000)** but less than ten thousand **(10,000)** located in a county having a population of more than forty-five thousand **(45,000)** but less than forty-five thousand

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nine hundred (45,900);

(2) has a majority of members who are residents of the township;

(3) is managed by directors, a majority of whom are residents of the township and who serve without compensation;

(4) is free from political or sectarian influence and is required by the hospital's articles of incorporation to be so managed and maintained perpetually; and

(5) is unable to be maintained and supported and to perform the hospital service reasonably needed and required for the people of the township without assistance, as determined by the township trustee and township board.

SECTION 108. IC 16-24-1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 15. (a) This section applies to a county having a population of any of the following:

(1) More than one hundred ~~sixty seventy~~ thousand (~~160,000~~) **(170,000)** but less than ~~two one~~ hundred **eighty** thousand (~~200,000~~): **(180,000)**.

(2) More than one hundred thirty thousand (130,000) but less than one hundred ~~fifty forty-five~~ thousand (~~150,000~~): **(145,000)**.

(3) More than one hundred ~~fifty eighty-two~~ thousand (~~150,000~~) **seven hundred ninety (182,790)** but less than ~~one two~~ hundred ~~sixty~~ thousand (~~160,000~~): **(200,000)**.

(4) More than one hundred ~~twelve eighteen~~ thousand (~~112,000~~) **(118,000)** but less than one hundred ~~twenty-five twenty~~ thousand (~~125,000~~): **(120,000)**.

(b) The board of managers of a hospital for the treatment of patients afflicted with tuberculosis or other diseases, including chronic diseases and those requiring convalescent care, that contracts with other counties for the treatment of the citizens of other counties, may provide not more than one-half (1/2) of the cost of a program of group life insurance and group health, accident, and hospitalization insurance for the hospital's employees. The members of the families and dependents of the employees may participate in a program of group health, accident, and hospitalization insurance at no cost to the hospital.

SECTION 109. IC 16-24-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 1. This chapter applies to a county that meets the following conditions:

(1) Has a population of:

(A) more than three hundred thousand (300,000) but less than four hundred thousand (400,000);

(B) more than two hundred thousand (200,000) but less than three hundred thousand (300,000);



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(C) more than one hundred ~~sixty~~ **seventy** thousand ~~(160,000)~~ **(170,000)** but less than ~~two~~ **one** hundred **eighty** thousand ~~(200,000); (180,000);~~ or

(D) more than one hundred thirty thousand (130,000) but less than one hundred ~~fifty~~ **forty-five** thousand ~~(150,000); (145,000).~~

(2) Owns a hospital for the treatment of patients with tuberculosis or other diseases, including chronic diseases and diseases requiring convalescent care.

(3) Contracts with other counties for the treatment of the citizens of those other counties.

SECTION 110. IC 16-41-25-1, AS AMENDED BY P.L.167-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 1. (a) The state department shall adopt rules under IC 4-22-2 that provide for a reasonable period not exceeding forty-five (45) days in which a plan review and permit for residential septic systems must be approved or disapproved.

(b) This subsection applies to a county with a population of more than ~~sixty-five~~ **seventy-four** thousand ~~(65,000) (74,000)~~ but less than ~~sixty-eight~~ **eighty** thousand ~~(68,000); (80,000).~~ As used in this subsection, "fill soil" means soil transported and deposited by humans or soil recently transported and deposited by natural erosion forces. A rule that the state department adopts concerning the installation of residential septic systems in fill soil may not prohibit the installation of a residential septic system in fill soil on a plat if:

(1) before the effective date of the rule, the plat of the affected lot was recorded;

(2) there is not an available sewer line within seven hundred fifty (750) feet of the property line of the affected lot; and

(3) the local health department determines that the soil, although fill soil, is suitable for the installation of a residential septic system.

SECTION 111. IC 20-1-18.3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 6. (a) The Indiana commission on vocational and technical education is established within the department of workforce development.

(b) The commission consists of eleven (11) citizens of Indiana who are appointed by the governor. One (1) of the members must be a representative of the state human resource investment council or a private industry council, one (1) of the members must be an officer or employee of a state educational institution, and one (1) of the members must be an officer or employee of a school corporation. The other eight

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(8) members:

- (1) may not be an officer or employee of a state educational institution or a school corporation;
- (2) may not be a state employee;
- (3) may not be a member of the council; and
- (4) must be generally knowledgeable in the fields of business, industry, labor, agriculture, commerce, education, or vocational education.

(c) Each **Indiana** congressional district must be represented by at least one (1) member who resides in that district. ~~and one (1) member must represent the state at large.~~

SECTION 112. IC 20-3-21-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 2. As used in this chapter, "school corporation" means a school corporation that

- ~~(1) is located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); and~~
- ~~(2) has at least twenty-four thousand (24,000) students in the average daily membership count for the school year beginning July 1, 1990; city having a population of more than ninety thousand (90,000) but less than one hundred five thousand (105,000).~~

SECTION 113. IC 20-3-22-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 2. As used in this chapter, "school corporation" means a school corporation that

- ~~(1) is located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); and~~
- ~~(2) has more than one thousand five hundred (1,500) but less than one thousand seven hundred twenty (1,720) students in the average daily membership count for the school year beginning July 1, 1990; city having a population of more than thirteen thousand nine hundred (13,900) but less than fourteen thousand two hundred (14,200).~~

SECTION 114. IC 20-4-1-39 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 39. In a county having a population of more than ~~one hundred sixty thousand (160,000) but less than two hundred thousand (200,000); one hundred seventy thousand (170,000) but less than one hundred eighty thousand (180,000)~~, whenever after April 17, 1963, proceedings have been had in good faith to form a community school corporation by the consolidation of two (2) or more prior-established school corporations,



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such community school corporation is held, by a final order and decision of a court, to be invalidly formed and nonexistent, which order and decision is not subject to further judicial review, any bonds issued (prior to such final order and decision of the court) in the name of such community school corporation, to provide funds to be applied on the cost of construction and equipment of a school building, shall not be invalid by reason of such final order and decision of the court but shall be and constitute the valid and binding obligation of the prior established school corporation in which territory the school building was or is being constructed, the same as if such bonds had been validly issued in the name of such prior established school corporation. This section shall be applicable only if the bonds at the time of their issuance would have been within the limitation of indebtedness imposed by the Constitution of the State of Indiana on such prior established school corporation.

SECTION 115. IC 20-4-1-42, AS ADDED BY P.L.38-1999, SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 42. (a) This section applies only to a school corporation with territory in a county having a population of more than ~~one hundred twenty-nine thousand (129,000) but less than one hundred thirty thousand six hundred (130,600):~~ **one hundred forty-eight thousand (148,000) but less than one hundred seventy thousand (170,000).**

(b) This section applies if there is a:

- (1) tie vote in an election for a member of the governing body of a school corporation; or
- (2) vacancy on the governing body of a school corporation.

(c) Notwithstanding any other law, if a tie vote occurs among any of the candidates for the governing body or a vacancy occurs on the governing body, the remaining members of the governing body, even if the remaining members do not constitute a majority of the governing body, shall by a majority vote of the remaining members:

- (1) select one (1) of the candidates who shall be declared and certified elected; or
- (2) fill the vacancy by appointing an individual to fill the vacancy.

(d) An individual appointed to fill a vacancy under subsection (c)(2):

- (1) must satisfy all the qualifications required of a member of the governing body; and
- (2) shall fill the remainder of the unexpired term of the vacating member.

(e) If a tie vote occurs among the remaining members of the

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governing body or the governing body fails to act within thirty (30) days after the election or the vacancy occurs, the fiscal body (as defined in IC 3-5-2-25) of the township in which the greatest percentage of population of the school district resides shall break the tie or make the appointment. A member of the fiscal body who was a candidate and is involved in a tie vote may not cast a vote under this subsection.

(f) If the fiscal body of a township is required to act under this section and a vote in the fiscal body results in a tie, the deciding vote to break the tie vote shall be cast by the executive.

SECTION 116. IC 20-4-10.1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 2. (a) Any plan or proposed plan shall contain at least the following items:

- (1) The number of members of the governing body, which shall be either three (3), five (5), or seven (7).
- (2) Whether the governing board shall be elected or appointed.
- (3) If appointed, when and by whom, and a general description of the manner of appointment that conforms with the requirements of IC 20-4-1-26.3.
- (4) If elected, whether the election shall be at the primary or at the general election at which county officials are nominated or elected, and a general description of the manner of election that conforms with the requirements of IC 20-4-1-26.2.
- (5) The limitations, if any, on residence, term of office, and other qualifications required by members of the governing body.
- (6) The time when the plan takes effect.

Any plan or proposed plan may have any additional details, necessary or desirable, to make the provisions of the plan workable. The details may include provisions relating to the commencement or length of terms of office of any members of the governing body taking office under the plan.

(b) Notwithstanding subsection (a)(1), in a city having a population of more than ~~fifty-eight thousand (58,000)~~ but less than sixty thousand ~~(60,000)~~, **fifty-nine thousand seven hundred (59,700)** but less than **sixty-five thousand (65,000)**, the governing body described in a plan may have as many as nine (9) members.

SECTION 117. IC 20-4-10.1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 5. (a) Change in a plan may be initiated by one (1) of the following procedures:

- (1) By filing a petition signed by twenty percent (20%) or more of the voters of the school corporation with the clerk of the circuit court.

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(2) By a resolution adopted by the governing body of the school corporation.

(3) By ordinance adopted by a city legislative body under section 7.5 of this chapter.

(b) A petition, resolution, or ordinance must set forth a description of the plan that conforms with section 2 of this chapter.

(c) Notwithstanding subsection (a)(1), in a city having a population of more than ~~fifty-eight thousand (58,000) but less than sixty thousand (60,000)~~, **fifty-nine thousand seven hundred (59,700) but less than sixty-five thousand (65,000)**, a change in a plan may be initiated by filing a petition signed by ten percent (10%) or more of the voters of the school corporation with the clerk of the circuit court.

SECTION 118. IC 20-4-10.1-7.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 7.5. (a) This section applies to a school corporation located in a city having a population of more than ~~one hundred ten thousand (110,000) but less than one hundred twenty thousand (120,000)~~; **ninety thousand (90,000) but less than one hundred five thousand (105,000)**.

(b) The city legislative body may adopt an ordinance to increase the membership of the governing body of a school corporation to seven (7) members.

(c) The ordinance must provide the following:

(1) That the additional members of the governing body are to be appointed by the city executive.

(2) That if the plan is subsequently changed to provide for the election of governing body members:

(A) the membership of the governing body may not be less than seven (7); and

(B) all members of the governing body are to be elected.

(3) The initial terms of the members appointed under this section.

(4) The effective date of the ordinance.

(d) An ordinance adopted under this section:

(1) supersedes any part of the plan that conflicts with the provisions of the ordinance;

(2) must be filed with the state superintendent of public instruction under section 16 of this chapter; and

(3) may only be amended or repealed by the city legislative body.

SECTION 119. IC 20-4-16-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 6. This chapter does not apply to any annexation by a civil city or town in a county having a population of more than ~~one hundred twenty-five thousand (125,000) but less than one hundred twenty-nine thousand (129,000)~~; **one**

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hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000). This chapter does not require the transfer of any territory from one (1) school corporation to another in such a county, as a result of any annexation by a civil city or town in the county.

SECTION 120. IC 20-5-17.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 3. (a) This section applies to school corporations in a county containing a city having a population of:

- (1) more than one hundred fifty thousand (150,000) but less than five hundred thousand (500,000);
- (2) more than one hundred twenty thousand (120,000) but less than one hundred fifty thousand (150,000);
- (3) more than ~~one hundred ten thousand (110,000)~~ but less than ~~one hundred twenty thousand (120,000)~~; **ninety thousand (90,000) but less than one hundred five thousand (105,000);**
- (4) more than ~~ninety thousand (90,000)~~ but less than ~~one hundred ten thousand (110,000)~~; **one hundred five thousand (105,000) but less than one hundred twenty thousand (120,000);** or
- (5) more than seventy-five thousand (75,000) but less than ninety thousand (90,000).

(b) In order to provide funding for an art association under this section, the governing body of a school corporation may impose a tax of not more than five-tenths of one cent (\$0.005) on each one hundred dollars (\$100) of assessed valuation in the school corporation. This tax is not subject to the tax levy limitations imposed on the school corporation by IC 6-1.1-19-1.5 or the provisions of IC 21-2-11-8.

(c) The school corporation shall deposit the proceeds of the tax imposed under subsection (b) in a fund to be known as the art association fund. The art association fund is separate and distinct from the school corporation's general fund and may be used only for the purpose of providing funds for an art association under this section. The governing body of the school corporation may annually appropriate the money in the fund to be paid in semiannual installments to an art association having facilities in a city that is listed in subsection (a), subject to subsection (d).

(d) Before an art association may receive payments under this section, its governing board must adopt a resolution that entitles:

- (1) the governing body of the school corporation to appoint its superintendent and its director of art instruction as visitors, with the privilege of attending all meetings of the association's governing board;



- (2) the governing body of the school corporation to nominate persons for membership on the association's governing board, with at least two (2) of the nominees to be elected;
- (3) the school corporation to use any of the association's facilities and equipment for educational purposes consistent with the association's purposes;
- (4) the students and teachers of the school corporation to tour the association's museum and galleries free of charge;
- (5) the school corporation to borrow materials from the association for temporary exhibit in the schools;
- (6) the teachers of the school corporation to receive normal instruction in the fine and applied arts at half the regular rates charged by the association; and
- (7) the school corporation to expect such exhibits in the association's museum as will supplement the work of the students and teachers of the corporation.

A copy of the resolution, certified by the president and secretary of the association, must be filed in the office of the school corporation before payments may be received.

(e) A resolution filed under subsection (d) need not be renewed from year to year but continues in effect until rescinded. An art association that complies with this section is entitled to continue to receive payments under this section as long as it so complies.

(f) Whenever more than one (1) art association in a city that is listed in subsection (a) qualifies to receive payments under this section, the governing body of the school corporation shall select the one (1) art association best qualified to perform the services described by subsection (c). A school corporation may select only one (1) art association to receive payments under this section.

SECTION 121. IC 20-8.1-3-6.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 6.1. (a) This section applies to a county having a population of:

- (1) more than ~~twenty-five thousand nine hundred fifty (25,950)~~ but less than ~~twenty-six thousand (26,000)~~; **twenty-seven thousand (27,000) but less than twenty-seven thousand two hundred (27,200)**; or
- (2) more than ~~one hundred twenty-five thousand (125,000)~~ but less than ~~one hundred twenty-nine thousand (129,000)~~; **one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000)**.

(b) Notwithstanding sections 5 and 6 of this chapter, in a county that has not been completely reorganized under IC 20-4-1, the governing

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body of each school corporation constituting a separate attendance district under section 3 of this chapter shall appoint an attendance officer. One (1) additional attendance officer may be appointed for every seven thousand five hundred (7,500) pupils in average daily attendance in the school corporation. The governing body of each school corporation that does not individually constitute a separate attendance district may appoint an attendance officer.

(c) If the governing body of the school corporation makes an appointment under this section, it shall appoint an individual who is nominated by the superintendent of the school corporation. However, the governing body may decline to appoint a nominee and may require another nomination to be made by the superintendent. If the governing body has discretion in whether to appoint an attendance officer under subsection (b) and declines to make an appointment, the superintendent of the school corporation involved shall serve as ex officio attendance officer under section 7 of this chapter.

(d) The salary, including fringe benefits, of each attendance officer appointed under this section shall be fixed by the governing body of the school corporation and shall be paid by the treasurer of the school corporation.

(e) Each attendance officer appointed under this section is entitled to receive reimbursement from the school corporation for the actual and necessary expenses incurred by the attendance officer in the proper performance of the attendance officer's duties.

SECTION 122. IC 20-14-1-8, AS ADDED BY P.L.98-2000, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 8. A township trustee of a township that is:

- (1) located in a county having a population of more than ~~thirty-one thousand (31,000)~~ but less than ~~thirty-one thousand five hundred (31,500)~~; **thirty-three thousand six hundred (33,600) but less than thirty-three thousand eight hundred (33,800)**; and

- (2) not served by a public library;

may pay the cost of a library card at the nearest library for a resident of the township upon request of the resident.

SECTION 123. IC 20-14-2.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 6. (a) This section applies to the appointment of members to the library board of a public library serving a library district that is located in one (1) county and:

- (1) has been established by a county or merged into a county public library;
- (2) results from the merger of a public library into a county public

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library under IC 20-14-4;

(3) is located in part or all of two (2) or more townships and is not entirely located within the boundaries of one (1) municipality; or

(4) is located in part or all of two (2) or more municipalities.

(b) Subject to subsection (c), in a public library described in subsection (a), the appointments under section 4(4) and 4(5) of this chapter shall be made as follows:

(1) One (1) member appointed by the executive of the county in which the district is located.

(2) One (1) member appointed by the fiscal body of the county in which the district is located.

(c) This subsection applies to a county containing only two (2) Class 1 public libraries and having a population of more than ~~one hundred thirty thousand six hundred (130,600) but less than one hundred fifty thousand (150,000)~~, **one hundred thirty thousand (130,000) but less than one hundred forty-five thousand (145,000)**, or more than ~~one hundred twenty-nine thousand (129,000) but less than one hundred thirty thousand six hundred (130,600)~~, **one hundred forty-eight thousand (148,000) but less than one hundred seventy thousand (170,000)**. In a public library that is the result of a merger occurring after December 31, 1979, between a public library and a county contractual public library, the appointments under section 4(4) and 4(5) of this chapter shall be made as follows:

(1) One (1) member appointed by the executive of the municipality in which the principal offices of the public library are located.

(2) One (1) member appointed by the legislative body of the municipality in which the principal offices of the public library are located.

SECTION 124. IC 20-14-2.5-9.5, AS ADDED BY P.L.50-2000, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 9.5. (a) This section applies to the library board of a library district:

(1) located in a county having a population of more than ~~forty-five thousand (45,000) but less than forty-seven thousand (47,000)~~, **fifty-five thousand (55,000) but less than sixty-five thousand (65,000)**; and

(2) containing all or part of the territory of each school corporation in the county.

(b) Notwithstanding section 4 of this chapter, the library board has the following members:

(1) One (1) member appointed by the executive of the county in

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which the library district is located and who is not a member of the county executive.

(2) One (1) member appointed by the fiscal body of the county in which the library district is located and who is not a member of the county fiscal body.

(3) One (1) member appointed by the legislative body of the most populous city in the library district and who is not a member of the city legislative body.

(4) One (1) member appointed by the school board of each school corporation having territory in the library district and who is not a member of a governing body of a school corporation.

(c) A person who is appointed under subsection (b) to serve as a member of a library board must before March 1 of each year report to the member's appointing authority concerning the work of the library board and finances of the library during the prior calendar year, including the rate of taxation determined under IC 20-14-3-10.

SECTION 125. IC 20-14-3-6.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 6.1. (a) This section applies to municipal corporations located in a county having a population of more than ~~thirty-six thousand seven hundred (36,700) but less than thirty-seven thousand (37,000)~~ **thirty-six thousand seventy-five (36,075) but less than thirty-seven thousand (37,000)**.

(b) A municipal corporation receiving library service under section 6 of this chapter shall:

(1) levy a tax sufficient to meet the amount of compensation agreed upon under the contract; or

(2) make the contract payments with revenue derived from a tax being imposed before the contract is approved by the municipal corporation, including the portion of local income tax revenue that is not required to be dedicated to providing property tax relief.

(c) A library board providing service shall expend all funds received under a contract for library services chargeable to the contract.

SECTION 126. IC 21-6.1-4-1, AS AMENDED BY P.L.246-2001, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 1. (a) The members of the fund include:

(1) legally qualified and regularly employed teachers in the public schools;

(2) persons employed by a governing body, who were qualified before their election or appointment;

(3) legally qualified and regularly employed teachers at Ball State University, Indiana State University, University of Southern



Indiana, or Vincennes University;

(4) legally qualified and regularly employed teachers in a state educational institution supported wholly by public money and whose teachers devote their entire time to teaching;

(5) legally qualified and regularly employed teachers in state benevolent, charitable, or correctional institutions;

(6) legally qualified and regularly employed teachers in an experimental school in a state university who teach elementary or high school students;

(7) as determined by the board, certain instructors serving in a university extension division not covered by a state retirement law;

(8) employees and officers of the department of education and of the fund who were qualified before their election or appointment;

(9) a person:

(A) who is employed as a nurse appointed under IC 20-8.1-7-5 by a school corporation located in a city having a population of more than ~~one hundred ten thousand (110,000)~~ but less than ~~one hundred twenty thousand (120,000)~~; **ninety thousand (90,000) but less than one hundred five thousand (105,000)**; and

(B) who participated in the fund before December 31, 1991, in the position described in clause (A); and

(10) persons who are employed by the fund.

(b) Teachers in any state institution who accept the benefits of a state supported retirement benefit system comparable to the fund's benefits may not come under the fund unless permitted by law or the rules of the board.

(c) The members of the fund do not include substitute teachers who have not obtained an associate degree or a baccalaureate degree.

SECTION 127. IC 22-11-3.1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 2. (a) A contractor doing work, other than work for a political subdivision, in a county having a population of:

(1) more than four hundred thousand (400,000), but less than seven hundred thousand (700,000); or

(2) more than ~~one hundred twenty-five thousand (125,000)~~ but less than ~~one hundred twenty-nine thousand (129,000)~~; **one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000)**;

must obtain a unified license bond as provided in this chapter. This unified license bond is in lieu of any other bond for this type of work

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required by the county or a city or town within that county, and the bond must be in an amount equal to five thousand dollars (\$5,000).

(b) The unified license bond shall be held for compliance with the ordinances and regulations governing business in the county, or a city or town within that county. The unified license bond required by this chapter shall be filed with the county recorder.

SECTION 128. IC 25-34.1-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 1. (a) The Indiana real estate commission is created. ~~It~~

(b) The commission consists of ~~one (1)~~ the following:

(1) ~~Nine (9)~~ district member from members. Each Indiana congressional district of this state and must be represented by one (1) individual appointed under this subdivision.

(2) ~~One (1)~~ real estate member at large.

(3) ~~Two (2)~~ citizen members at large.

~~A district member described in subdivision (1) must be a resident of the represented district for not less than one (1) year. and A member described in subdivision (1) or (2) must have engaged in business as a license broker for not less than five (5) years. Citizen members at large shall be appointed to represent the general public, and must be residents of this state who Indiana, and must have never been associated with the real estate business in any way other than as a consumer.~~

~~(b) (c)~~ Each member of the commission shall be appointed by the governor and shall serve a four (4) year term. If a successor has not been appointed, the current member shall serve until a successor is appointed and qualified. If a vacancy occurs on the commission, the governor shall appoint an individual to serve the unexpired term of the previous member and until a successor is appointed and qualified.

~~(e) (d)~~ A member of the commission may not hold a state or federal elective office.

SECTION 129. IC 25-37-1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 15. ~~A county having a population of more than fifteen thousand (15,000) but less than sixteen thousand (16,000)~~ **county having a population of more than seventeen thousand (17,000) but less than seventeen thousand five hundred (17,500)** may require that the holder of a registered retail merchant's certificate under IC 6-2.5-8 obtain a transient merchant license.

SECTION 130. IC 31-31-8-4, AS AMENDED BY P.L.273-1999, SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 4. (a) This section applies to a county having a

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population of more than ~~one hundred seven thousand (107,000)~~ but less than ~~one hundred eight thousand (108,000)~~; **one hundred ten thousand (110,000) but less than one hundred fifteen thousand (115,000).**

(b) Notwithstanding section 3 of this chapter, the juvenile court shall operate a juvenile detention facility or juvenile shelter care facility established in the county. However, the county legislative body shall determine the budget for the juvenile detention facility or juvenile shelter care facility. The expenses for the juvenile detention facility shall be paid from the county general fund. Payment of the expenses for the juvenile detention facility may not be paid from the county family and children's fund established by IC 12-19-7-3.

SECTION 131. IC 33-9-15-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 1. This chapter does not apply to a county that:

- (1) contains a consolidated city;
- (2) has a population of:
 - (A) more than three hundred thousand (300,000) but less than four hundred thousand (400,000);
 - (B) more than two hundred thousand (200,000) but less than three hundred thousand (300,000); or
 - (C) more than ~~one hundred sixty thousand (160,000)~~ but less than ~~two hundred thousand (200,000)~~; **one hundred seventy thousand (170,000) but less than one hundred eighty thousand (180,000);** or
- (3) has a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), except as provided in sections 5 and 10.5 of this chapter.

SECTION 132. IC 35-38-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 1. (a) Whenever it places a person on probation, the court shall:

- (1) specify in the record the conditions of the probation; and
- (2) advise the person that if the person violates a condition of probation during the probationary period, a petition to revoke probation may be filed before the earlier of the following:
 - (A) One (1) year after the termination of probation.
 - (B) Forty-five (45) days after the state receives notice of the violation.

(b) In addition, if the person was convicted of a felony and is placed on probation, the court shall order the person to pay to the probation department the user's fee prescribed under subsection (c). If the person was convicted of a misdemeanor, the court may order the person to pay



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the user's fee prescribed under subsection (d). The court may:

- (1) modify the conditions (except a fee payment under subsection (c)); or
- (2) terminate the probation;

at any time. If the person commits an additional crime, the court may revoke the probation.

(c) In addition to any other conditions of probation, the court shall order each person convicted of a felony to pay:

- (1) not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100) as an initial probation user's fee;
- (2) a monthly probation user's fee of not less than five dollars (\$5) nor more than fifteen dollars (\$15) for each month that the person remains on probation;
- (3) the costs of the laboratory test or series of tests to detect and confirm the presence of the human immunodeficiency virus (HIV) antigen or antibodies to the human immunodeficiency virus (HIV) if such tests are required by the court under section 2.3 of this chapter; and
- (4) an alcohol abuse deterrent fee and a medical fee set by the court under IC 9-30-9-8, if the court has referred the defendant to an alcohol abuse deterrent program;

to the probation department.

(d) In addition to any other conditions of probation, the court may order each person convicted of a misdemeanor to pay:

- (1) not more than a fifty dollar (\$50) initial probation user's fee;
- (2) not more than a ten dollar (\$10) monthly probation user's fee for each month that the person remains on probation; and
- (3) the costs of the laboratory test or series of tests to detect and confirm the presence of the human immunodeficiency virus (HIV) antigen or antibodies to the human immunodeficiency virus (HIV) if such tests are required by the court under section 2.3 of this chapter;

to the probation department.

(e) All money collected by the probation department under this section shall be transferred to the county treasurer who shall deposit the money into the county supplemental adult probation services fund. The fiscal body of the county shall appropriate money from the county supplemental adult probation services fund to the county, superior, circuit, or municipal court of the county that provides probation services to adults.

(f) All money collected by the probation department of a city or town court under this section shall be transferred to the fiscal officer of

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the city or town. The fiscal officer shall deposit the money into the local supplemental adult probation services fund. The fiscal body of the city or town shall appropriate money from the local supplemental adult probation services fund to the city or town court of the city or town for the court's use in providing probation services to adults or for the court's use for other purposes as may be appropriated by the fiscal body. Money may be appropriated under this subsection only to those city or town courts that have an adult probation services program. If a city or town court does not have such a program, the money collected by the probation department must be transferred and appropriated as provided under subsection (e).

(g) Except as provided in subsection (i), the county or local supplemental adult probation services fund may be used only to supplement probation services and to increase salaries for probation officers. A supplemental probation services fund may not be used to replace other funding of probation services. Any money remaining in the fund at the end of the year does not revert to any other fund but continues in the county or local supplemental adult probation services fund.

(h) A person placed on probation for more than one (1) crime may not be required to pay more than:

- (1) one (1) initial probation user's fee; and
- (2) one (1) monthly probation user's fee per month;

to the probation department.

(i) This subsection applies to a city or town located in a county having a population of more than ~~one hundred fifty thousand (150,000)~~ but less than ~~one hundred sixty thousand (160,000)~~; **one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000)**. Any money remaining in the local supplemental adult probation services fund at the end of the local fiscal year may be appropriated by the city or town fiscal body to the city or town court for use by the court for purposes determined by the fiscal body.

SECTION 133. IC 36-1-3.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 3. (a) This section applies to cities in a county having a population of:

- (1) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or
- (2) more than two hundred thousand (200,000) but less than three hundred thousand (300,000).

(b) Jurisdiction over the following local matters, which before the 1981 regular session of the general assembly have been subjects of

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statutory concern, is transferred to the legislative body of each city having a population of more than one hundred ~~fifteen thousand~~ ~~(115,000)~~ **(100,000) located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):**

- (1) Board of tenant concerns (formerly governed by IC 18-7-11.5).
- (2) Regulation of sewers and drains (formerly governed by IC 19-2-11).
- (3) Department of waterworks (formerly governed by IC 19-3-27).
- (4) Benefits for certain municipal utility employees (formerly governed by IC 19-3-29).

(c) Jurisdiction over the following local matters, which before the 1981 regular session of the general assembly have been subjects of statutory concern, is transferred to the legislative body of each city having a population of more than thirty-five thousand (35,000) but less than one hundred fifteen thousand (115,000):

- (1) Regulation of sewers and drains (formerly governed by IC 19-2-11).
- (2) Department of waterworks (formerly governed by IC 19-3-27).
- (3) Benefits for certain municipal utility employees (formerly governed by IC 19-3-29).

SECTION 134. IC 36-1-3.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 8. (a) This section applies to a county having a population of more than ~~one hundred sixty thousand (160,000) but less than two hundred thousand (200,000): one hundred seventy thousand (170,000) but less than one hundred eighty thousand (180,000).~~

(b) Jurisdiction over the following local matters, which before the 1981 regular session of the general assembly have been subjects of statutory concern, is transferred to the executive of the county:

- (1) County purchasing agency (formerly governed by IC 17-2-77).
- (2) County data processing agency (formerly governed by IC 17-2-74).
- (3) Control of county parks (formerly governed by IC 17-2-76).

SECTION 135. IC 36-1-3.5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 9. (a) This section applies to a county having a population of:

- (1) more than ~~one hundred fifty thousand (150,000) but less than one hundred sixty thousand (160,000); one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000);~~



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(2) more than ~~one hundred thirty thousand six hundred (130,600)~~ but less than ~~one hundred fifty thousand (150,000)~~; **one hundred thirty thousand (130,000) but less than one hundred forty-five thousand (145,000);**

(3) more than ~~one hundred twenty-nine thousand (129,000)~~ but less than ~~one hundred thirty thousand six hundred (130,600)~~; **one hundred forty-eight thousand (148,000) but less than one hundred seventy thousand (170,000);**

(4) more than ~~one hundred twelve thousand (112,000)~~ but less than ~~one hundred twenty-five thousand (125,000)~~; **one hundred eighteen thousand (118,000) but less than one hundred twenty thousand (120,000);**

(5) more than ~~one hundred seven thousand (107,000)~~ but less than ~~one hundred eight thousand (108,000)~~; **one hundred ten thousand (110,000) but less than one hundred fifteen thousand (115,000);** or

(6) more than ~~one hundred thousand (100,000)~~ but less than ~~one hundred seven thousand (107,000)~~; **one hundred five thousand (105,000) but less than one hundred ten thousand (110,000).**

(b) Jurisdiction over the following local matters, which before the 1981 regular session of the general assembly have been subjects of statutory concern, is transferred to the executive of the county:

(1) County purchasing agency (formerly governed by IC 17-2-77).

(2) County data processing agency (formerly governed by IC 17-2-74).

SECTION 136. IC 36-1-3.5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 10. (a) This section applies to a county having a population of more than ~~one hundred twenty-five thousand (125,000)~~ but less than ~~one hundred twenty-nine thousand (129,000)~~; **one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000).**

(b) Jurisdiction over the following local matter, which before the 1981 regular session of the general assembly has been the subject of statutory concern, is transferred to the executive of the county:

County purchasing agency (formerly governed by IC 17-2-77).

SECTION 137. IC 36-1-7-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 15. (a) This section applies only to political subdivisions in the following:

(1) A city having a population of more than ~~one hundred ten thousand (110,000)~~ but less than ~~one hundred twenty thousand (120,000)~~; **ninety thousand (90,000) but less than one hundred five thousand (105,000).**

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(2) A county having a population of more than ~~one hundred thousand (100,000)~~ but less than ~~one hundred seven thousand (107,000)~~; **one hundred five thousand (105,000) but less than one hundred ten thousand (110,000).**

(3) A county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).

(b) As used in this section, "economic development entity" means a department of redevelopment organized under IC 36-7-14, a port authority organized under IC 8-10-5, or an airport authority organized under IC 8-22-3.

(c) Notwithstanding section 2 of this chapter, two (2) or more economic development entities may enter into a written agreement under section 3 of this chapter if the agreement is requested by the executive of a city or county described in subsection (a) and if the agreement is approved by each entity's governing body and by the executive of a city or county described in subsection (a).

(d) A party to an agreement under this section may do one (1) or more of the following:

(1) Except as provided in subsection (e), grant one (1) or more of its powers to another party to the agreement.

(2) Exercise any power granted to it by a party to the agreement.

(3) Pledge any of its revenues, including taxes or allocated taxes under IC 36-7-14 or IC 8-22-3.5, to the bonds or lease rental obligations of another party to the agreement under IC 5-1-14-4.

(e) An economic development entity may not grant to another entity the power to tax or to establish an allocation area under IC 8-22-3.5 or IC 36-7-14-39.

(f) An agreement under this section does not have to comply with section 3(a)(5) or ~~section 4~~ of this chapter.

(g) An action to challenge the validity of an agreement under this section must be brought within thirty (30) days after the agreement has been approved by all the parties to the agreement. After that period has passed, the agreement is not contestable for any cause.

SECTION 138. IC 36-1-11-3.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 3.2. (a) This section applies to a city having a population of:

(1) more than ~~one hundred ten thousand (110,000)~~ but less than ~~one hundred twenty thousand (120,000)~~; **ninety thousand (90,000) but less than one hundred five thousand (105,000);**

(2) more than ~~thirty-three thousand eight hundred fifty (33,850)~~ but less than ~~thirty-five thousand (35,000)~~; **thirty-two thousand**

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(32,000) but less than thirty-two thousand eight hundred (32,800); or

(3) more than seventy-five thousand (75,000) but less than ninety thousand (90,000).

(b) Notwithstanding section 3(c) of this chapter, the fiscal body of a city must approve:

- (1) every sale of real property having an appraised value of ten thousand dollars (\$10,000) or more;
- (2) every lease of real property for which the total annual rental payments will be five thousand dollars (\$5,000) or more; and
- (3) every transfer of real property under section 14 or 15 of this chapter.

SECTION 139. IC 36-1-11-5.6, AS ADDED BY P.L.10-2001, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 5.6. Notwithstanding IC 5-22-22 and sections 4, 4.1, 4.2, and 5 of this chapter, a disposing agent of a county having a population of more than ~~forty-five thousand (45,000) but less than forty-seven thousand (47,000)~~ **fifty-five thousand (55,000) but less than sixty-five thousand (65,000)** may sell or transfer:

- (1) real property; or
- (2) tangible or intangible personal property, licenses, or any interest in the tangible or intangible personal property;

for no compensation or a nominal fee to a nonprofit corporation created for agricultural, educational, or recreational purposes.

SECTION 140. IC 36-3-2-11, AS AMENDED BY P.L.186-2001, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 11. (a) As used in this section, the following terms have the meanings set forth in IC 6-1.1-1:

- (1) Assessed value.
- (2) Exemption.
- (3) Owner.
- (4) Person.
- (5) Property taxation.
- (6) Real property.
- (7) Township assessor.

(b) As used in this section, "PILOTS" means payments in lieu of taxes.

(c) As used in this section, "property owner" means the owner of real property described in IC 6-1.1-10-16.7 that is located in a county:

- (1) with a consolidated city; or
- (2) having a population of more than ~~thirty-eight thousand five hundred (38,500) but less than thirty-nine thousand (39,000).~~



forty-six thousand one hundred eight (46,108) but less than forty-six thousand two hundred fifty (46,250).

(d) Subject to the approval of a property owner, the legislative body of the consolidated city may adopt an ordinance to require the property owner to pay PILOTS at times set forth in the ordinance with respect to real property that is subject to an exemption under IC 6-1.1-10-16.7. The ordinance remains in full force and effect until repealed or modified by the legislative body, subject to the approval of the property owner.

(e) The PILOTS must be calculated so that the PILOTS are in an amount equal to the amount of property taxes that would have been levied by the legislative body for the consolidated city and county upon the real property described in subsection (d) if the property were not subject to an exemption from property taxation.

(f) PILOTS shall be imposed as are property taxes and shall be based on the assessed value of the real property described in subsection (d). The township assessors shall assess the real property described in subsection (d) as though the property were not subject to an exemption.

(g) PILOTS collected under this section shall be deposited in the housing trust fund established under IC 36-7-15.1-35.5 and used for any purpose for which the housing trust fund may be used.

(h) PILOTS shall be due as set forth in the ordinance and bear interest, if unpaid, as in the case of other taxes on property. PILOTS shall be treated in the same manner as taxes for purposes of all procedural and substantive provisions of law.

SECTION 141. IC 36-4-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 4. (a) The legislative body of a municipality may, by ordinance, annex any of the following:

- (1) Territory that is contiguous to the municipality.
- (2) Territory that is not contiguous to the municipality and is occupied by a municipally owned or operated airport or landing field.
- (3) Territory that is not contiguous to the municipality but is found by the legislative body to be occupied by a municipally owned or regulated sanitary landfill, golf course, or hospital. However, if territory annexed under this subsection ceases to be used as a municipally owned or regulated sanitary landfill, golf course, or hospital for at least one (1) year, the territory reverts to the jurisdiction of the unit having jurisdiction before the annexation if the unit that had jurisdiction over the territory still exists. If the unit no longer exists, the territory reverts to the jurisdiction of the unit that would currently have jurisdiction over

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the territory if the annexation had not occurred. The clerk of the municipality shall notify the offices required to receive notice of a disannexation under section 19 of this chapter when the territory reverts to the jurisdiction of the unit having jurisdiction before the annexation.

(b) This subsection applies to municipalities in a county having a population of:

- (1) more than ~~seventy-three thousand (73,000)~~ but less than ~~seventy-five thousand (75,000)~~; **seventy-three thousand (73,000) but less than seventy-four thousand (74,000)**;
 - (2) more than ~~sixty thousand (60,000)~~ but less than ~~sixty-five thousand (65,000)~~; **seventy-one thousand four hundred (71,400) but less than seventy-three thousand (73,000)**;
 - (3) more than ~~seventy thousand (70,000)~~ but less than ~~seventy-one thousand (71,000)~~;
 - (3) (4) more than ~~forty-one thousand (41,000)~~ but less than ~~forty-two thousand five hundred (42,500)~~; **forty-five thousand (45,000) but less than forty-five thousand nine hundred (45,900)**;
 - (4) (5) more than ~~thirty-eight thousand three hundred (38,300)~~ but less than ~~thirty-eight thousand five hundred (38,500)~~; **forty thousand nine hundred (40,900) but less than forty-one thousand (41,000)**;
 - (5) (6) more than ~~thirty-five thousand four hundred (35,400)~~ but less than ~~thirty-six thousand (36,000)~~; **thirty-eight thousand (38,000) but less than thirty-nine thousand (39,000)**;
 - (6) (7) more than ~~twenty-four thousand eight hundred (24,800)~~ but less than ~~twenty-five thousand (25,000)~~; **thirty thousand (30,000) but less than thirty thousand seven hundred (30,700)**;
 - (7) (8) more than ~~twenty-two thousand (22,000)~~ but less than ~~twenty-three thousand (23,000)~~; **twenty-three thousand five hundred (23,500) but less than twenty-four thousand (24,000)**;
- or
- (8) (9) more than two hundred thousand (200,000) but less than three hundred thousand (300,000).

Except as provided in subsection (c), the legislative body of a municipality to which this subsection applies may, by ordinance, annex territory that is not contiguous to the municipality, has its entire area not more than two (2) miles from the municipality's boundary, is to be used for an industrial park containing one (1) or more businesses, and is either owned by the municipality or by a property owner who consents to the annexation. However, if territory annexed under this



subsection is not used as an industrial park within five (5) years after the date of passage of the annexation ordinance, or if the territory ceases to be used as an industrial park for at least one (1) year, the territory reverts to the jurisdiction of the unit having jurisdiction before the annexation if the unit that had jurisdiction over the territory still exists. If the unit no longer exists, the territory reverts to the jurisdiction of the unit that would currently have jurisdiction over the territory if the annexation had not occurred. The clerk of the municipality shall notify the offices entitled to receive notice of a disannexation under section 19 of this chapter when the territory reverts to the jurisdiction of the unit having jurisdiction before the annexation.

(c) A city in a county with a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000) may not annex territory as prescribed in subsection (b) until the territory is zoned by the county for industrial purposes.

(d) Notwithstanding any other law, territory that is annexed under subsection (b) or (h) is not considered a part of the municipality for the purposes of:

(1) annexing additional territory:

(A) in a county that is not described by clause (B); or

(B) in a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000), unless the boundaries of the noncontiguous territory become contiguous to the city, as allowed by Indiana law;

(2) expanding the municipality's extraterritorial jurisdictional area; or

(3) changing an assigned service area under IC 8-1-2.3-6(1).

(e) As used in this section, "airport" and "landing field" have the meanings prescribed by IC 8-22-1.

(f) As used in this section, "hospital" has the meaning prescribed by IC 16-18-2-179(b).

(g) An ordinance adopted under this section must assign the territory annexed by the ordinance to at least one (1) municipal legislative body district.

(h) This subsection applies to a ~~municipality~~ **city** having a population of more than ~~thirty-two thousand (32,000)~~ but less than ~~thirty-three thousand (33,000)~~ that is located within a county having a population of more than ~~seventy-three thousand (73,000)~~ but less than ~~seventy-five thousand (75,000)~~; **thirty-one thousand (31,000) but less than thirty-two thousand (32,000)**. The legislative body of a ~~municipality~~ **city** may, by ordinance, annex territory that:

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- (1) is not contiguous to the ~~municipality~~; **city**;
- (2) has its entire area not more than eight (8) miles from the ~~municipality's city's~~ boundary;
- (3) does not extend more than:
 - (A) one and one-half (1 1/2) miles to the west;
 - (B) three-fourths (3/4) mile to the east;
 - (C) one-half (1/2) mile to the north; or
 - (D) one-half (1/2) mile to the south;
 of an interchange of an interstate highway (as designated by the federal highway authorities) and a state highway (as designated by the state highway authorities); and
- (4) is owned by the ~~municipality~~ **city** or by a property owner that consents to the annexation.

SECTION 142. IC 36-4-3-4.1, AS AMENDED BY P.L.224-2001, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 4.1. (a) This section applies to the following:

- (1) A ~~municipality town~~ having a population of:
 - (A) more than ~~ten thousand (10,000)~~ but less than ~~fifteen thousand (15,000)~~; **fifteen thousand (15,000)**; or
 - (B) more than ~~four thousand (4,000)~~ but less than ~~four thousand two hundred fifty (4,250)~~; **five thousand (5,000) but less than six thousand three hundred (6,300)**;
 located in a county having a population of more than ~~seventy-five thousand (75,000)~~ but less than ~~seventy-eight thousand (78,000)~~; **one hundred thousand (100,000) but less than one hundred five thousand (105,000)**.
- (2) A ~~municipality city~~ having a population of more than ~~thirty-three thousand (33,000)~~ but less than ~~thirty-three thousand eight hundred fifty (33,850)~~ **thirty-two thousand eight hundred (32,800) but less than thirty-three thousand (33,000)**. located in a county having a population of more than ~~one hundred seven thousand (107,000)~~ but less than ~~one hundred eight thousand (108,000)~~.
- (3) A municipality that is located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).
- (4) A town having a population of more than ~~five thousand (5,000)~~ but less than ~~six thousand (6,000)~~ located in a county having a population of more than ~~one hundred eight thousand (108,000)~~ but less than ~~one hundred eight thousand nine hundred fifty (108,950)~~; **nine thousand (9,000) but less than thirty thousand (30,000) located in a county having a population of**

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more than one hundred eighty thousand (180,000) but less than one hundred eighty-two thousand seven hundred ninety (182,790).

(b) Except as provided in subsection (c), the legislative body of a municipality to which this section applies may, by ordinance, annex territory that:

- (1) is contiguous to the municipality;
- (2) in the case of a municipality described in subsection (a)(1), has its entire area within the township within which the municipality is primarily located; and
- (3) is owned by a property owner who consents to the annexation.

(c) Subsection (b)(2) does not apply to a ~~municipality~~ **town** having a population of:

- (1) ~~more than six thousand (6,000) but less than six thousand five hundred (6,500);~~ **five thousand (5,000) but less than eight thousand (8,000);** or
- (2) ~~more than eight thousand seven hundred (8,700) but less than eight thousand nine hundred (8,900);~~ **nine thousand (9,000) but less than twelve thousand five hundred (12,500);**

in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(d) Territory annexed under this section is exempt from all property tax liability under IC 6-1.1 for municipal purposes for all portions of the annexed territory that is classified for zoning purposes as agriculture and remains exempt from the property tax liability while the property's zoning classification remains agriculture.

(e) There may not be a change in the zoning classification of territory annexed under this section without the consent of the owner of the annexed territory.

SECTION 143. IC 36-4-3-9, AS AMENDED BY P.L.224-2001, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 9. (a) A town must obtain the consent of both the metropolitan development commission and the legislative body of a county having a consolidated city before annexing territory within the county where a consolidated city is located.

(b) This subsection does not apply to the following:

- (1) A town:
 - (A) located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); and
 - (B) that has a population of more than ~~twenty-seven thousand (27,000)~~ **thirty thousand (30,000).**

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(2) A town:

(A) located in a county having a population of more than ~~one hundred eight thousand (108,000) but less than one hundred eight thousand nine hundred fifty (108,950);~~ **one hundred eighty thousand (180,000) but less than one hundred eighty-two thousand seven hundred ninety (182,790);**

(B) having a population of more than ~~twenty-seven thousand (27,000) but less than twenty-eight thousand (28,000);~~ **thirty thousand (30,000);** and

(C) located in a different county than the city.

A town must obtain the consent of the legislative body of a second or third class city before annexing territory within three (3) miles of the corporate boundaries of the city.

(c) Each municipality that is known as an included town under IC 36-3-1-7 is also considered a town for purposes of this section.

SECTION 144. IC 36-4-3-13, AS AMENDED BY P.L.76-2001, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 13. (a) Except as provided in subsections (e) and (g), at the hearing under section 12 of this chapter, the court shall order a proposed annexation to take place if the following requirements are met:

(1) The requirements of either subsection (b) or (c).

(2) The requirements of subsection (d).

(b) The requirements of this subsection are met if the evidence establishes the following:

(1) That the territory sought to be annexed is contiguous to the municipality.

(2) One (1) of the following:

(A) The resident population density of the territory sought to be annexed is at least three (3) persons per acre.

(B) Sixty percent (60%) of the territory is subdivided.

(C) The territory is zoned for commercial, business, or industrial uses.

(c) The requirements of this subsection are met if the evidence establishes the following:

(1) That the territory sought to be annexed is contiguous to the municipality as required by section 1.5 of this chapter, except that at least one-fourth (1/4), instead of one-eighth (1/8), of the aggregate external boundaries of the territory sought to be annexed must coincide with the boundaries of the municipality.

(2) That the territory sought to be annexed is needed and can be used by the municipality for its development in the reasonably

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near future.

(d) The requirements of this subsection are met if the evidence establishes that the municipality has developed and adopted a written fiscal plan and has established a definite policy, by resolution of the legislative body as set forth in section 3.1 of this chapter. The fiscal plan must show the following:

(1) The cost estimates of planned services to be furnished to the territory to be annexed. The plan must present itemized estimated costs for each municipal department or agency.

(2) The method or methods of financing the planned services. The plan must explain how specific and detailed expenses will be funded and must indicate the taxes, grants, and other funding to be used.

(3) The plan for the organization and extension of services. The plan must detail the specific services that will be provided and the dates the services will begin.

(4) That planned services of a noncapital nature, including police protection, fire protection, street and road maintenance, and other noncapital services normally provided within the corporate boundaries, will be provided to the annexed territory within one (1) year after the effective date of annexation and that they will be provided in a manner equivalent in standard and scope to those noncapital services provided to areas within the corporate boundaries regardless of similar topography, patterns of land use, and population density.

(5) That services of a capital improvement nature, including street construction, street lighting, sewer facilities, water facilities, and stormwater drainage facilities, will be provided to the annexed territory within three (3) years after the effective date of the annexation in the same manner as those services are provided to areas within the corporate boundaries, regardless of similar topography, patterns of land use, and population density, and in a manner consistent with federal, state, and local laws, procedures, and planning criteria. However, in a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000), the fiscal plan of a city must show that these services will be provided to the annexed territory within four (4) years after the effective date of the annexation and in the same manner as those services are provided to areas within the corporate boundaries regardless of similar topography, patterns of land use, or population density.

(e) This subsection does not apply to a city located in a county

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having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000). At the hearing under section 12 of this chapter, the court shall do the following:

- (1) Consider evidence on the conditions listed in subdivision (2).
- (2) Order a proposed annexation not to take place if the court finds that all of the following conditions exist in the territory proposed to be annexed:

- (A) The following services are adequately furnished by a provider other than the municipality seeking the annexation:

- (i) Police and fire protection.
- (ii) Street and road maintenance.

- (B) The annexation will have a significant financial impact on the residents or owners of land.

- (C) The annexation is not in the best interests of the owners of land in the territory proposed to be annexed as set forth in subsection (f).

- (D) One (1) of the following opposes the annexation:

- (i) At least sixty-five percent (65%) of the owners of land in the territory proposed to be annexed.
- (ii) The owners of more than seventy-five percent (75%) in assessed valuation of the land in the territory proposed to be annexed.

Evidence of opposition may be expressed by any owner of land in the territory proposed to be annexed.

- (f) The municipality under subsection (e)(2)(C) bears the burden of proving that the annexation is in the best interests of the owners of land in the territory proposed to be annexed. In determining this issue, the court may consider whether the municipality has extended sewer or water services to the entire territory to be annexed:

- (1) within the three (3) years preceding the date of the introduction of the annexation ordinance; or
- (2) under a contract in lieu of annexation entered into under IC 36-4-3-21.

The court may not consider the provision of water services as a result of an order by the Indiana utility regulatory commission to constitute the provision of water services to the territory to be annexed.

- (g) This subsection applies only to cities located in a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000). However, this subsection does not apply if on April 1, 1993, the entire boundary of the territory that is proposed to be annexed was contiguous to territory that was within the boundaries of one (1) or more municipalities. At the hearing under

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section 12 of this chapter, the court shall do the following:

- (1) Consider evidence on the conditions listed in subdivision (2).
- (2) Order a proposed annexation not to take place if the court finds that all of the following conditions exist in the territory proposed to be annexed:
 - (A) The following services are adequately furnished by a provider other than the municipality seeking the annexation:
 - (i) Police and fire protection.
 - (ii) Street and road maintenance.
 - (B) The annexation will have a significant financial impact on the residents or owners of land.
 - (C) One (1) of the following opposes the annexation:
 - (i) A majority of the owners of land in the territory proposed to be annexed.
 - (ii) The owners of more than seventy-five percent (75%) in assessed valuation of the land in the territory proposed to be annexed.

Evidence of opposition may be expressed by any owner of land in the territory proposed to be annexed.

(h) The ~~federal census data established by IC 1-1-4-5(18)~~ **most recent:**

- (1) federal decennial census;**
- (2) federal special census;**
- (3) special tabulation; or**
- (4) corrected population count;**

shall be used as evidence of resident population density for purposes of subsection (b)(2)(A), but this evidence may be rebutted by other evidence of population density.

SECTION 145. IC 36-5-1-7.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 7.1. The executive of a county having a population of more than ~~forty-five thousand (45,000)~~ **but less than forty-seven thousand (47,000) fifty-five thousand (55,000) but less than sixty-five thousand (65,000)** is exempt from:

- (1) the requirements of section 7(a) of this chapter; and
- (2) the requirements of section 7(b) of this chapter if the second or third class city is within a county containing a consolidated city.

SECTION 146. IC 36-5-4-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 13. (a) Except as provided in subsection (c), this subsection applies to a town with a population of five hundred (500) or less. Notwithstanding the provisions of any other statute, a town may transfer money from any



town fund to another town fund after the passage of an ordinance or a resolution by the town legislative body specifying the:

- (1) amount of the transfer;
- (2) funds involved;
- (3) date of the transfer; and
- (4) general purpose of the transfer.

(b) Except as provided in subsection (c), this subsection applies to a town having a population of more than five hundred (500) but less than two thousand (2,000). Notwithstanding IC 8-14-1 and IC 8-14-2, a town may transfer money distributed to the town from:

- (1) the motor vehicle highway account under IC 8-14-1;
- (2) the local road and street account under IC 8-14-2; or
- (3) the:
 - (A) motor vehicle highway account under IC 8-14-1; and
 - (B) local road and street account under IC 8-14-2;

to any other town fund after the passage of an ordinance or a resolution by the town legislative body that specifies the amount of the transfer, the funds involved, the date of the transfer, and the general purpose of the transfer. However, the total amount of all money transferred by a town under this subsection may not exceed forty thousand dollars (\$40,000).

(c) A:

- (1) municipality located in a county having a population of more than ~~fourteen thousand seventy (14,070)~~ but less than ~~fifteen thousand (15,000)~~; **fourteen thousand nine hundred (14,900) but less than sixteen thousand (16,000)**; and
- (2) town:
 - (A) located in a county having a population of more than ~~twenty-eight thousand (28,000)~~ but less than ~~twenty-nine thousand five hundred (29,500)~~; **thirty-four thousand nine hundred (34,900) but less than thirty-four thousand nine hundred fifty (34,950)**; and
 - (B) having a population of less than ~~seven hundred (700)~~; **one thousand (1,000)**;

may not transfer money under this section to or from a food and beverage tax receipts fund established under IC 6-9.

SECTION 147. IC 36-6-6-2, AS AMENDED BY P.L.122-2000, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 2. (a) Except as provided in subsection (b), a three (3) member township board shall be elected under IC 3-10-2-13 by the voters of each township.

(b) The township board in a county ~~having a population of more~~



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~~than seven hundred thousand (700,000) containing a consolidated~~ **city** shall consist of seven (7) members elected under IC 3-10-2-13 by the voters of each township.

(c) The township board is the township legislative body.

(d) The term of office of a township board member is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified.

SECTION 148. IC 36-6-6-2.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 2.2. (a) This subsection applies to townships in a county ~~having a population of more than seven hundred thousand (700,000):~~ **containing a consolidated city**. The voters of each legislative body district established under section 2.5 of this chapter shall elect one (1) member of the township board.

(b) This subsection applies to townships not included in subsection (a). The voters of each township shall elect all the members of the township board.

SECTION 149. IC 36-6-6-2.5, AS AMENDED BY P.L.122-2000, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 2.5. (a) This section applies to townships in a county ~~having a population of more than seven hundred thousand (700,000):~~ **containing a consolidated city**.

(b) The legislative body shall adopt a resolution that divides the township into legislative body districts that:

- (1) are composed of contiguous territory;
- (2) are reasonably compact;
- (3) respect, as nearly as reasonably practicable, precinct boundary lines; and
- (4) contain, as nearly as reasonably practicable, equal population.

(c) Before a legislative body may adopt a resolution that divides a township into legislative body districts, the secretary of the legislative body shall mail a written notice to the circuit court clerk. This notice must:

- (1) state that the legislative body is considering the adoption of a resolution to divide the township into legislative body districts; and
- (2) be mailed not later than ten (10) days before the legislative body adopts the resolution.

(d) The legislative body shall make a division into legislative body districts at the following times:

- (1) In 2001.
- (2) Every ten (10) years after 2002.



(3) Subject to IC 3-11-1.5-32.5, whenever the boundary of the township changes.

(e) The legislative body may make the division under this section at any time, subject to IC 3-11-1.5-32.5.

SECTION 150. IC 36-6-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 3. (a) This subsection applies to townships in a county ~~having a population of more than seven hundred thousand (700,000);~~ **containing a consolidated city.** One (1) member of the legislative body must reside within each legislative body district. If a member of the legislative body ceases to be a resident of the district from which the member was elected, the office becomes vacant.

(b) This subsection applies to townships not included in subsection (a). A member of the legislative body must reside within the township as provided in Article 6, Section 6 of the Constitution of the State of Indiana. If a member of the legislative body ceases to be a resident of the township, the office becomes vacant.

SECTION 151. IC 36-6-6-4, AS AMENDED BY P.L.122-2000, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 4. (a) Except as provided in subsection (b), two (2) members of the legislative body constitute a quorum.

(b) Four (4) members of the legislative body in a county ~~having a population of more than seven hundred thousand (700,000)~~ **containing a consolidated city** constitute a quorum.

SECTION 152. IC 36-7-4-202 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 202. (a) ADVISORY. The legislative body of a county or municipality may establish by ordinance an advisory plan commission. In addition, in a county having a population of:

(1) more than ~~one hundred sixty thousand (160,000) but less than two hundred thousand (200,000);~~ **one hundred seventy thousand (170,000) but less than one hundred eighty thousand (180,000);** or

(2) more than ~~one hundred twelve thousand (112,000) but less than one hundred twenty-five thousand (125,000);~~ **one hundred eighteen thousand (118,000) but less than one hundred twenty thousand (120,000);**

the legislative bodies of that county and of the city having the largest population in that county may establish by identical ordinances a metropolitan plan commission as a department of county government. These ordinances must specify the legal name of the commission for purposes of section 404(a) of this chapter.



(b) AREA. There may be established in each county an area planning department in the county government, having:

- (1) an area plan commission;
- (2) an area board of zoning appeals;
- (3) an executive director; and
- (4) such staff as the area plan commission considers necessary.

Each municipality and each county desiring to participate in the establishment of a planning department may adopt an ordinance adopting the area planning law, fix a date for the establishment of the planning department, and provide for the appointment of its representatives to the commission. When a municipality or a county adopts such an ordinance, it shall certify a copy of it to each legislative body within the county. When a county and at least one (1) municipality within the county each adopt an ordinance adopting the area planning law and fix a date for the establishment of the department, the legislative body of the county shall establish the planning department.

(c) METRO. A metropolitan development commission is established in the department of metropolitan development of the consolidated city. The legislative body of the consolidated city may adopt ordinances to regulate the following:

- (1) The time that the commission holds its meetings.
- (2) The voting procedures of the commission.

SECTION 153. IC 36-7-4-1103, AS AMENDED BY P.L.216-1999, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 1103. (a) This section does not apply to a plan commission exercising jurisdiction in a county having a population of more than ~~nineteen thousand three hundred (19,300)~~ but less than ~~nineteen thousand five hundred (19,500)~~; **twenty thousand three hundred (20,300) but less than twenty thousand five hundred (20,500).**

(b) ADVISORY—AREA. For purposes of this section, urban areas include all lands and lots within the corporate boundaries of a municipality, any other lands or lots used for residential purposes where there are at least eight (8) residences within any quarter mile square area, and other lands or lots that have been or are planned for residential areas contiguous to the municipality.

(c) ADVISORY—AREA. This chapter does not authorize an ordinance or action of a plan commission that would prevent, outside of urban areas, the complete use and alienation of any mineral resources or forests by the owner or alienee of them.

SECTION 154. IC 36-7-4-1210.5 IS AMENDED TO READ AS



FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 1210.5. (a) ADVISORY. As used in this section, "town" refers to the most populous town in the jurisdiction of the plan commission.

(b) ADVISORY. This section applies to a plan commission operating under a joinder agreement:

(1) in a county having a population of more than ~~one hundred eight thousand (108,000)~~ but less than ~~one hundred eight thousand nine hundred fifty (108,950)~~; **one hundred eighty thousand (180,000) but less than one hundred eighty-two thousand seven hundred ninety (182,790)**; and

(2) containing:

(A) a township having a population of more than ~~nine thousand (9,000)~~ but less than ~~ten thousand (10,000)~~; **eighteen thousand (18,000) but less than twenty-five thousand (25,000)**; or

(B) a township having a population of more than ~~eight thousand four hundred forty (8,440)~~ but less than ~~eight thousand five hundred (8,500)~~; **nine thousand (9,000) but less than fifteen thousand (15,000)**.

(c) ADVISORY. Notwithstanding section 1210 of this chapter, a plan commission described in subsection (b) shall have nine (9) members as follows:

(1) Two (2) members of the town legislative body, to be appointed by the town executive for a one (1) year term.

(2) Two (2) town residents who are not elected officials or town employees, to be appointed by the town executive for a four (4) year term.

(3) One (1) member of the township board, to be appointed by the township executive for a one (1) year term.

(4) Four (4) township residents who:

(A) are not residents of the town; and

(B) are not employees of the town or township;

to be appointed by the township executive with the approval of the township legislative body for a four (4) year term.

SECTION 155. IC 36-7-5.1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 11. (a) Each member of the commission must have:

(1) knowledge and experience regarding affairs in the joint district;

(2) awareness of the social, economic, agricultural, and industrial conditions of the joint district; and

(3) an interest in the development of the joint district.



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(b) A challenge to the appointment of a member based on the qualifications described in subsection (a) must be filed within thirty (30) days after the appointment. The challenge may be filed in the circuit court of any county that contains the entire joint district or any part of the joint district.

(c) Except as provided in subsection (d), a member must be a resident of a county where a part of the joint district is located or reside within ten (10) miles of the borders of the district.

(d) In a joint district that contains all or part of a county having a population of more than ~~sixty thousand (60,000)~~ **but less than sixty-four thousand (64,000); seventy-one thousand four hundred (71,400) but less than seventy-three thousand (73,000)**, two (2) of the members appointed by the legislative body of that county under section 9(1) of this chapter must, in addition to the requirements of subsections (a) and (b), be residents of any township that is entirely or partially located within the joint district.

SECTION 156. IC 36-7-7.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 1. This chapter applies to a county having the following population:

- (1) more than ~~thirty-six thousand (36,000)~~ **but less than thirty-six thousand seven hundred (36,700); thirty-nine thousand six hundred (39,600) but less than forty thousand (40,000);**
- (2) more than ~~eighteen thousand three hundred (18,300)~~ **but less than eighteen thousand five hundred (18,500); nineteen thousand three hundred (19,300) but less than twenty thousand (20,000);** or
- (3) more than ~~nine thousand five hundred (9,500)~~ **but less than ten thousand (10,000); ten thousand seven hundred (10,700) but less than twelve thousand (12,000).**

SECTION 157. IC 36-7-11-4, AS AMENDED BY P.L.158-2001, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 4. (a) A unit may establish, by ordinance, a historic preservation commission with an official name designated in the ordinance. The commission must have not less than three (3) nor more than nine (9) voting members, as designated by the ordinance. The voting members shall be appointed by the executive of the unit, subject to the approval of the legislative body. Voting members shall each serve for a term of three (3) years. However, the terms of the original voting members may be for one (1) year, two (2) years, or three (3) years in order for the terms to be staggered, as provided by the ordinance. A vacancy shall be filled for the duration of the term. In the case of a commission with jurisdiction in a city having a population of

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more than ~~ninety thousand (90,000)~~ but less than one hundred ten thousand (~~110,000~~) located in a county having a population of more than two hundred thousand (~~200,000~~) but less than three hundred thousand (~~300,000~~); **one hundred five thousand (105,000) but less than one hundred twenty thousand (120,000)**, the commission must after June 30, 2001, include as a voting member the superintendent of the largest school corporation in the city.

(b) The ordinance may provide qualifications for members of the commission, but members must be residents of the unit who are interested in the preservation and development of historic areas. The members of the commission should include professionals in the disciplines of architectural history, planning, and other disciplines related to historic preservation, to the extent that those professionals are available in the community. The ordinance may also provide for the appointment of advisory members that the legislative body considers appropriate.

(c) The ordinance may:

- (1) designate an officer or employee of the unit to act as administrator;
- (2) permit the commission to appoint an administrator who shall serve without compensation except reasonable expenses incurred in the performance of the administrator's duties; or
- (3) provide that the commission act without the services of an administrator.

(d) Members of the commission shall serve without compensation except for reasonable expenses incurred in the performance of their duties.

(e) The commission shall elect from its membership a chairman and vice chairman, who shall serve for one (1) year and may be reelected.

(f) The commission shall adopt rules consistent with this chapter for the transaction of its business. The rules must include the time and place of regular meetings and a procedure for the calling of special meetings. All meetings of the commission must be open to the public, and a public record of the commission's resolutions, proceedings, and actions must be kept. If the commission has an administrator, the administrator shall act as the commission's secretary, otherwise, the commission shall elect a secretary from its membership.

(g) The commission shall hold regular meetings, at least monthly, except when it has no business pending.

(h) A decision of the commission is subject to judicial review under IC 4-21.5-5 as if it was a decision of a state agency.

SECTION 158. IC 36-7-13-10, AS AMENDED BY P.L.174-2001,



SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 10. (a) After approval by ordinance or resolution of the legislative body of a municipality located in a county having a population of:

- (1) more than ~~one hundred eight thousand nine hundred fifty (108,950)~~ but less than ~~one hundred twelve thousand (112,000)~~; **one hundred twenty thousand (120,000) but less than one hundred thirty thousand (130,000)**;
- (2) more than two hundred thousand (200,000) but less than three hundred thousand (300,000); or
- (3) more than three hundred thousand (300,000) but less than four hundred thousand (400,000);

the executive of the municipality may submit an application to an advisory commission on industrial development requesting that an area within the municipality be designated as a district.

(b) After approval by ordinance or resolution of the legislative body of a county, the executive of the county may submit an application to an advisory commission on industrial development requesting that an area within the county, but not within a municipality, be designated as a district. However, in a county having a population of more than ~~one hundred twelve thousand (112,000)~~ but less than ~~one hundred twenty-five thousand (125,000)~~; **one hundred eighteen thousand (118,000) but less than one hundred twenty thousand (120,000)**, the legislative body of the county may request that an area within the county be designated as a district even if the area is within a municipality.

SECTION 159. IC 36-7-13-12, AS AMENDED BY P.L.174-2001, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 12. (a) If a municipal or county executive has submitted an application to an advisory commission on industrial development requesting that an area be designated as a district under this chapter and the advisory commission has compiled and prepared the information required under section 11 of this chapter concerning the area, the advisory commission may adopt a resolution designating the area as a district if it makes the findings described in subsection (b), (c), (d), or (e). In a county described in subsection (c), an advisory commission may designate more than one (1) district under subsection (c).

(b) For an area located in a county having a population of more than ~~one hundred eight thousand nine hundred fifty (108,950)~~ but less than ~~one hundred twelve thousand (112,000)~~; **one hundred twenty thousand (120,000) but less than one hundred thirty thousand**



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(130,000), an advisory commission may adopt a resolution designating a particular area as a district only after finding all of the following:

- (1) The area contains a building or buildings:
 - (A) with at least one million (1,000,000) square feet of usable interior floor space; and
 - (B) that is or are vacant or will become vacant due to the relocation of an employer.
- (2) At least one thousand (1,000) fewer persons are employed in the area than were employed in the area during the year that is ten (10) years previous to the current year.
- (3) There are significant obstacles to redevelopment of the area due to any of the following problems:
 - (A) Obsolete or inefficient buildings.
 - (B) Aging infrastructure or inefficient utility services.
 - (C) Utility relocation requirements.
 - (D) Transportation or access problems.
 - (E) Topographical obstacles to redevelopment.
 - (F) Environmental contamination.

(4) The unit has expended, appropriated, pooled, set aside, or pledged at least one hundred thousand dollars (\$100,000) for purposes of addressing the redevelopment obstacles described in subdivision (3).

(5) The area is located in a county having a population of more than ~~one hundred eight thousand nine hundred fifty (108,950)~~ but less than ~~one hundred twelve thousand (112,000)~~: **one hundred twenty thousand (120,000) but less than one hundred thirty thousand (130,000).**

(c) For a county having a population of more than ~~one hundred twelve thousand (112,000)~~ but less than ~~one hundred twenty-five thousand (125,000)~~: **one hundred eighteen thousand (118,000) but less than one hundred twenty thousand (120,000)**, an advisory commission may adopt a resolution designating not more than two (2) areas as districts. An advisory commission may designate an area as a district only after finding the following:

- (1) The area meets either of the following conditions:
 - (A) The area contains a building with at least seven hundred ninety thousand (790,000) square feet, and at least eight hundred (800) fewer people are employed in the area than were employed in the area during the year that is ten (10) years previous to the current year.
 - (B) The area contains a building with at least four hundred forty thousand (440,000) square feet, and at least four hundred



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(400) fewer people are employed in the area than were employed in the area during the year that is ten (10) years previous to the current year.

(2) The area is located in or is adjacent to an industrial park.

(3) There are significant obstacles to redevelopment of the area due to any of the following problems:

- (A) Obsolete or inefficient buildings.
- (B) Aging infrastructure or inefficient utility services.
- (C) Utility relocation requirements.
- (D) Transportation or access problems.
- (E) Topographical obstacles to redevelopment.
- (F) Environmental contamination.

(4) The area is located in a county having a population of more than ~~one hundred twelve thousand (112,000)~~ but less than ~~one hundred twenty-five thousand (125,000)~~; **one hundred eighteen thousand (118,000) but less than one hundred twenty thousand (120,000).**

(d) For an area located in a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000), an advisory commission may adopt a resolution designating a particular area as a district only after finding all of the following:

(1) The area contains a building or buildings:

- (A) with at least one million five hundred thousand (1,500,000) square feet of usable interior floor space; and
- (B) that is or are vacant or will become vacant.

(2) At least eighteen thousand (18,000) fewer persons are employed in the area at the time of application than were employed in the area before the time of application.

(3) There are significant obstacles to redevelopment of the area due to any of the following problems:

- (A) Obsolete or inefficient buildings.
- (B) Aging infrastructure or inefficient utility services.
- (C) Utility relocation requirements.
- (D) Transportation or access problems.
- (E) Topographical obstacles to redevelopment.
- (F) Environmental contamination.

(4) The unit has expended, appropriated, pooled, set aside, or pledged at least one hundred thousand dollars (\$100,000) for purposes of addressing the redevelopment obstacles described in subdivision (3).

(5) The area is located in a county having a population of more than two hundred thousand (200,000) but less than three hundred

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thousand (300,000).

(e) For an area located in a county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000), an advisory commission may adopt a resolution designating a particular area as a district only after finding all of the following:

- (1) The area contains a building or buildings:
 - (A) with at least eight hundred thousand (800,000) gross square feet; and
 - (B) having leasable floor space, at least fifty percent (50%) of which is or will become vacant.
- (2) There are significant obstacles to redevelopment of the area due to any of the following problems:
 - (A) Obsolete or inefficient buildings as evidenced by a decline of at least seventy-five percent (75%) in their assessed valuation during the preceding ten (10) years.
 - (B) Transportation or access problems.
 - (C) Environmental contamination.
- (3) At least four hundred (400) fewer persons are employed in the area than were employed in the area during the year that is fifteen (15) years previous to the current year.
- (4) The area has been designated as an economic development target area under IC 6-1.1-12.1-7.
- (5) The unit has appropriated, pooled, set aside, or pledged at least two hundred fifty thousand dollars (\$250,000) for purposes of addressing the redevelopment obstacles described in subdivision (2).
- (6) The area is located in a county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).

(f) The advisory commission, or the county or municipal legislative body, in the case of a district designated under section 10.5 of this chapter, shall designate the duration of the district, but the duration may not exceed fifteen (15) years (at the time of designation).

(g) Upon adoption of a resolution designating a district, the advisory commission shall submit the resolution to the budget committee for review and recommendation to the budget agency.

(h) When considering a resolution, the budget committee and the budget agency must make the following findings:

- (1) The area to be designated as a district meets the conditions necessary for designation as a district.
- (2) The designation of the district will benefit the people of Indiana by protecting or increasing state and local tax bases and

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tax revenues for at least the duration of the district.

(i) The income tax incremental amount and the gross retail incremental amount may not be allocated to the district until the budget agency approves the resolution.

SECTION 160. IC 36-7-26-1, AS AMENDED BY P.L.291-2001, SECTION 200, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 1. This chapter applies to the following:

- (1) A city having a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000).
- (2) A city having a population of more than ~~ninety thousand (90,000)~~ but less than ~~one hundred ten thousand (110,000)~~: **one hundred five thousand (105,000) but less than one hundred twenty thousand (120,000).**
- (3) A city having a population of more than one hundred fifty thousand (150,000) but less than five hundred thousand (500,000).
- (4) A city having a population of more than one hundred twenty thousand (120,000) but less than one hundred fifty thousand (150,000).

SECTION 161. IC 36-7-29-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 1. This chapter applies to the following units:

- (1) A city having a population of more than ~~five thousand six hundred fifty (5,650)~~ but less than ~~five thousand seven hundred eight (5,708)~~: **seven thousand (7,000) but less than seven thousand three hundred (7,300).**
- (2) A county having a population of more than ~~one hundred twenty-nine thousand five hundred (129,500)~~ but less than ~~one hundred thirty thousand six hundred (130,600)~~: **one hundred forty-eight thousand (148,000) but less than one hundred seventy thousand (170,000).**

SECTION 162. IC 36-8-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 1. (a) This chapter applies to pension benefits for members of fire departments hired before May 1, 1977,

- (1) in cities having a population of at least one hundred fourteen thousand five hundred (114,500); and
- (2) in units having a population of less than one hundred fourteen thousand five hundred (114,500) that established for which a 1937 fund **was established** before May 1, 1977.

(b) A firefighter with twenty (20) years of service is covered by this



chapter and not by IC 36-8-8 if he:

- (1) was hired before May 1, 1977;
- (2) did not convert under IC 19-1-36.5-7 (repealed September 1, 1981); and
- (3) is rehired after April 30, 1977, by the same employer.

(c) A firefighter is covered by this chapter and not by IC 36-8-8 if he:

- (1) was hired before May 1, 1977;
- (2) did not convert under IC 19-1-36.5-7 (repealed September 1, 1981);
- (3) was rehired after April 30, 1977, but before February 1, 1979; and
- (4) was made, before February 1, 1979, a member of a 1937 fund.

SECTION 163. IC 36-8-10-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 7. (a) The state examiner of the state board of accounts shall fix the exact amount per meal that the sheriff of each county receives for feeding the prisoners in the sheriff's custody. Subject to the maximum meal allowance provided in this section, the state examiner shall increase the amount per meal that a sheriff receives as follows:

- (1) Increase the amount per meal by a percentage that does not exceed the percent of increase in the United States Department of Labor Consumer Price Index during the year preceding the year in which an increase is established.
- (2) Increase the amount per meal above the amount determined under subdivision (1) if the sheriff furnishes to the state examiner sufficient documentation to prove that the sheriff cannot provide meals at the amount per meal that is determined under subdivision (1).

The amount must be fixed by April 15 each year and takes effect immediately upon approval. The allowance may not exceed two dollars (\$2) per person per meal. The allowance shall be paid out of the general fund of the county after the sheriff submits to the county executive an itemized statement, under oath, showing the names of the prisoners, the date that each was imprisoned in the county jail, and the number of meals served to each prisoner.

(b) Notwithstanding subsection (a), ~~IC 36-2-13-2.5(4)~~ **IC 36-2-13-2.5(b)(4)** through ~~IC 36-2-13-2.5(5)~~ **IC 36-2-13-2.5(b)(5)**, and IC 36-2-13-2.8(b), this subsection applies to a county having a population of:

- (1) more than ~~one hundred sixty thousand (160,000)~~ but less than ~~two hundred thousand (200,000)~~; **one hundred seventy**



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thousand (170,000) but less than one hundred eighty thousand (180,000); or

(2) more than ~~two hundred fifty thousand (250,000): three hundred thousand (300,000).~~

A county shall feed the county prisoners through an appropriation in the usual manner by the county fiscal body. The appropriation shall be expended by the sheriff under the direction of the county executive. If a county has a population of less than four hundred thousand (400,000), an accounting of the expenditures must be filed monthly with the county auditor by the fifth day of the month following the expenditure. If a county has a population of four hundred thousand (400,000) or more, an accounting of the expenditures must be filed with the county auditor on the first Monday of January and the first Monday of July of each year. Neither the sheriff nor the sheriff's officers, deputies, and employees may make a profit as a result of the appropriation.

SECTION 164. IC 36-8-15-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 1. This chapter applies to a county having:

(1) a consolidated city; or

(2) a population of more than ~~one hundred fifty thousand (150,000) but less than one hundred sixty thousand (160,000):~~
one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000).

However, sections 9.5, 15, 16, 17, and 18 of this chapter apply only to a county having a consolidated city.

SECTION 165. IC 36-9-3-5, AS AMENDED BY P.L.14-2000, SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 5. (a) An authority is under the control of a board (referred to as "the board" in this chapter) that, except as provided in subsections (b) and (c), consists of:

(1) two (2) members appointed by the executive of each county in the authority;

(2) one (1) member appointed by the executive of the largest municipality in each county in the authority;

(3) one (1) member appointed by the executive of each second class city in a county in the authority; and

(4) one (1) member from any other political subdivision that has public transportation responsibilities in a county in the authority.

(b) An authority that includes a consolidated city is under the control of a board consisting of the following:

(1) Two (2) members appointed by the executive of the county

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having the consolidated city.

(2) One (1) member appointed by the board of commissioners of the county having the consolidated city.

(3) One (1) member appointed by the executive of each other county in the authority.

(4) Two (2) members appointed by the governor from a list of at least five (5) names provided by the Indianapolis regional transportation council.

(5) One (1) member representing the four (4) largest municipalities in the authority located in a county other than a county containing a consolidated city. The member shall be appointed by the executives of the municipalities acting jointly.

(6) One (1) member representing the excluded cities located in a county containing a consolidated city that are members of the authority. The member shall be appointed by the executives of the excluded cities acting jointly.

(7) One (1) member of a labor organization representing employees of the authority who provide public transportation services within the geographic jurisdiction of the authority. The labor organization shall appoint the member.

(c) An authority that includes a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) is under the control of a board consisting of the following sixteen (16) members:

(1) Three (3) members appointed by the executive of a **municipality city** with a population of more than ~~one hundred ten thousand (110,000)~~ but less than ~~one hundred twenty thousand (120,000)~~ and located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000): **ninety thousand (90,000) but less than one hundred five thousand (105,000).**

(2) Two (2) members appointed by the executive of a **municipality city** with a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000). ~~and located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).~~

(3) One (1) member jointly appointed by the executives of **the following municipalities located within a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):**

(A) A **municipality city** with a population of more than ~~five~~

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thousand one hundred fifty (5,150) but less than five thousand two hundred (5,200) and located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); and **five thousand one hundred thirty-five (5,135) but less than five thousand two hundred (5,200).**

(B) A **municipality city** with a population of more than ~~thirty-three thousand eight hundred fifty (33,850)~~ but less than ~~thirty-three thousand nine hundred (33,900)~~ and located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000): **thirty-two thousand (32,000) but less than thirty-two thousand eight hundred (32,800).**

(4) One (1) member who is jointly appointed by the fiscal body of the following municipalities located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) A **municipality town** with a population of more than ~~seventeen thousand eight hundred (17,800)~~ but less than ~~eighteen thousand (18,000)~~: **fifteen thousand (15,000) but less than twenty thousand (20,000).**

(B) A **municipality town** with a population of more than ~~twenty-three thousand five hundred (23,500)~~ but less than ~~twenty-four thousand (24,000)~~: **twenty-three thousand (23,000) but less than twenty-four thousand (24,000).**

(C) A **municipality town** with a population of more than ~~nineteen thousand nine hundred forty (19,940)~~ but less than ~~twenty thousand (20,000)~~: **twenty thousand (20,000) but less than twenty-three thousand (23,000).**

(5) One (1) member who is jointly appointed by the fiscal body of the following municipalities located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) A **municipality town** with a population of more than ~~four thousand five hundred (4,500)~~ but less than ~~five thousand (5,000)~~: **eight thousand (8,000) but less than nine thousand (9,000).**

(B) A **municipality town** with a population of more than ~~nineteen thousand nine hundred (19,900)~~ but less than ~~nineteen thousand nine hundred forty (19,940)~~: **twenty-four thousand (24,000) but less than thirty thousand (30,000).**

(C) A **municipality town** with a population of more than ~~ten~~

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thousand (10,000) but less than eleven thousand (11,000):
 twelve thousand five hundred (12,500) but less than fifteen
 thousand (15,000).

(6) One (1) member who is jointly appointed by the following
**authorities of municipalities located in a county having a
 population of more than four hundred thousand (400,000) but
 less than seven hundred thousand (700,000):**

(A) The executive of a **municipality city** with a population of
 more than ~~seventeen thousand seven hundred (17,700)~~ but less
 than ~~seventeen thousand seven hundred fifty (17,750)~~ and
 located within a county with a population of more than four
 hundred thousand (400,000) but less than seven hundred
 thousand (700,000): **nineteen thousand eight hundred
 (19,800) but less than twenty-one thousand (21,000).**

(B) The fiscal body of a town with a population of more than
 eight thousand eight hundred (8,800) but less than nine
 thousand five hundred (9,500) and located within a county
 with a population of more than four hundred thousand
 (400,000) but less than seven hundred thousand (700,000):
**nine thousand (9,000) but less than twelve thousand five
 hundred (12,500).**

(C) The fiscal body of a town with a population of more than
 six thousand four hundred (6,400) but less than seven
 thousand (7,000) and located within a county with a
 population of more than four hundred thousand (400,000) but
 less than seven hundred thousand (700,000): **five thousand
 (5,000) but less than eight thousand (8,000).**

(D) The fiscal body of a town with a population of more than
 three hundred (300) but less than four hundred (400) and
 located within a county with a population of more than four
 hundred thousand (400,000) but less than seven hundred
 thousand (700,000): **less than one thousand five hundred
 (1,500).**

(E) The fiscal body of a town with a population of more than
 five hundred (500) but less than one thousand (1,000) and
 located within a county with a population of more than four
 hundred thousand (400,000) but less than seven hundred
 thousand (700,000): **two thousand two hundred (2,200) but
 less than five thousand (5,000).**

(7) One (1) member appointed by the fiscal body of a
municipality town with a population of more than ~~twenty-six
 thousand five hundred (26,500)~~ but less than ~~twenty-eight~~

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~~thousand (28,000) and thirty thousand (30,000)~~ located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(8) One (1) member who is jointly appointed by the following ~~individuals or entities representing authorities of~~ municipalities that are located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) The executive of a ~~municipality city~~ having a population of more than ~~twenty-one thousand five hundred (21,500) but less than twenty-three thousand (23,000):~~ **twenty-five thousand (25,000) but less than twenty-seven thousand (27,000).**

(B) The executive of a ~~municipality city~~ having a population of more than ~~thirteen thousand five hundred (13,500) but less than fourteen thousand five hundred (14,500):~~ **thirteen thousand nine hundred (13,900) but less than fourteen thousand two hundred (14,200).**

(C) The fiscal body of ~~the municipality~~ **a town** having a population of more than ~~one thousand five hundred (1,500) but less than two thousand five hundred (2,500):~~ **one thousand five hundred (1,500) but less than two thousand two hundred (2,200).**

(9) Three (3) members appointed by the fiscal body of a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(10) One (1) member appointed by the county executive of a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(11) One (1) member of a labor organization representing employees of the authority who provide public transportation services within the geographic jurisdiction of the authority. The labor organization shall appoint the member. If more than one (1) labor organization represents the employees of the authority, each organization shall submit one (1) name to the governor, and the governor shall appoint the member from the list of names submitted by the organizations.

SECTION 166. IC 36-9-3-12.5, AS AMENDED BY P.L.233-2001, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 12.5. (a) This section applies only to an authority located in a county with a population of more than four hundred thousand (400,000) ~~with members appointed under section 5(c) of this~~

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~~chapter.~~ **but less than seven hundred thousand (700,000).**

(b) The board shall establish a citizens advisory council consisting of thirteen (13) members appointed as follows:

(1) Three (3) members appointed by the executive of a ~~municipality~~ **city** with a population of more than ~~one hundred ten thousand (110,000)~~ but less than one hundred twenty thousand (120,000) and located within a county with a population of more than four hundred thousand (400,000) but less than ~~seven hundred thousand (700,000).~~ **ninety thousand (90,000) but less than one hundred five thousand (105,000).**

(2) Two (2) members appointed by the executive of a ~~municipality~~ **city** with a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000). and located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(3) One (1) member appointed jointly by the executive of the following ~~municipalities:~~ **cities located within the county:**

(A) A city with a population of more than ~~thirty-three thousand eight hundred fifty (33,850)~~ but less than ~~thirty-three thousand nine hundred (33,900)~~ located within a county with a population of more than four hundred thousand (400,000) but less than ~~seven hundred thousand (700,000).~~ **thirty-two thousand (32,000) but less than thirty-two thousand eight hundred (32,800).**

(B) A city with a population of more than ~~five thousand one hundred fifty (5,150)~~ but less than ~~five thousand two hundred (5,200)~~ located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000): **five thousand one hundred thirty-five (5,135) but less than five thousand two hundred (5,200).**

(4) One (1) member selected from a list of citizens submitted by community based organizations which advocate for public transportation by the fiscal body of ~~a~~ **the** county. ~~with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):~~

(5) One (1) member selected from a list of citizens submitted by community based organizations which advocate for public transportation by the county executive of ~~a~~ **the** county. ~~with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):~~

(6) One (1) member who is jointly appointed by the following



individuals or entities representing municipalities that are located within a the county: with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) The executive of a municipality city having a population of more than twenty-one thousand five hundred (21,500) but less than twenty-three thousand (23,000): **twenty-five thousand (25,000) but less than twenty-seven thousand (27,000).**

(B) The executive of a municipality city having a population of more than thirteen thousand five hundred (13,500) but less than fourteen thousand five hundred (14,500): **thirteen thousand nine hundred (13,900) but less than fourteen thousand two hundred (14,200).**

(C) The fiscal body of a municipality town having a population of more than one thousand five hundred (1,500) but less than two thousand five hundred (2,500): **one thousand five hundred (1,500) but less than two thousand two hundred (2,200).**

(7) One (1) member who is jointly appointed by the following **authorities of municipalities located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):**

(A) The executive of a municipality city with a population of more than seventeen thousand seven hundred (17,700) but less than seventeen thousand seven hundred fifty (17,750) and located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000): **nineteen thousand eight hundred (19,800) but less than twenty-one thousand (21,000).**

(B) The fiscal body of a town with a population of more than eight thousand eight hundred (8,800) but less than nine thousand five hundred (9,500) and located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000): **nine thousand (9,000) but less than twelve thousand five hundred (12,500).**

(C) The fiscal body of a town with a population of more than six thousand four hundred (6,400) but less than seven thousand (7,000) and located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000): **five thousand**



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(5,000) but less than eight thousand (8,000).

(D) The fiscal body of a town with a population of ~~more than three hundred (300) but less than four hundred (400)~~ and located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000): **less than one thousand five hundred (1,500).**

(E) The fiscal body of a town with a population of more than five hundred (500) but less than one thousand (1,000) and located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000): **two thousand two hundred (2,200) but less than five thousand (5,000).**

(8) One (1) member who is jointly appointed by the fiscal body of the following municipalities located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) A ~~municipality town~~ with a population of more than ~~seventeen thousand eight hundred (17,800) but less than eighteen thousand (18,000):~~ **fifteen thousand (15,000) but less than twenty thousand (20,000).**

(B) A ~~municipality town~~ with a population of more than ~~twenty-three thousand five hundred (23,500) but less than twenty-four thousand (24,000):~~ **twenty-three thousand (23,000) but less than twenty-four thousand (24,000).**

(C) A ~~municipality town~~ with a population of more than ~~nineteen thousand nine hundred forty (19,940) but less than twenty thousand (20,000):~~ **twenty thousand (20,000) but less than twenty-three thousand (23,000).**

(9) One (1) member who is jointly appointed by the fiscal body of the following municipalities located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) A town having a population of more than ~~twenty thousand (20,000) but less than twenty-one thousand (21,000):~~ **twenty-four thousand (24,000) but less than thirty thousand (30,000).**

(B) A town having a population of more than ~~ten thousand (10,000) but less than eleven thousand (11,000):~~ **twelve thousand five hundred (12,500) but less than fifteen thousand (15,000).**

(C) A town having a population of more than ~~four thousand~~

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~~five hundred (4,500) but less than five thousand (5,000): eight thousand (8,000) but less than nine thousand (9,000).~~

(10) One (1) member appointed by the fiscal body of a ~~municipality town~~ having a population of more than ~~twenty-seven thousand (27,000) but less than twenty-eight thousand (28,000)~~ **thirty thousand (30,000)** located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(c) A member of a citizens advisory council:

(1) must live in the geographic area represented by the appointing authority;

(2) may not be:

(A) an elected official; or

(B) a public employee of the appointing authority;

(3) may serve a two (2) year term; and

(4) may be reappointed to multiple terms.

(d) The citizens advisory council shall:

(1) meet at least once every six (6) months;

(2) review and make recommendations to the board on:

(A) the authority plan;

(B) the proposed route and time schedule changes of the regional transportation system;

(C) the authority budget; and

(D) the hiring of the authority director;

(3) be responsible for assuring direct citizen input into the authority plan; and

(4) refer all complaints and concerns of citizens to the appropriate person or committee within the authority.

SECTION 167. IC 36-9-14-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 2. (a) A cumulative building fund to provide money for the construction, remodeling, and repair of courthouses may be established by the county legislative body under IC 6-1.1-21.

(b) As used in this section, "courthouse" includes a historical complex consisting of a former county courthouse, jail, and sheriff's residence which is open to the general public for educational or community purposes in a county having a population of more than ~~one hundred sixty thousand (160,000) but less than two hundred thousand (200,000): one hundred seventy thousand (170,000) but less than one hundred eighty thousand (180,000).~~

SECTION 168. IC 36-9-25-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 1. (a) This chapter

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applies to **the following:**

(1) A second class city located in a county having a population of more than ~~one hundred seven thousand (107,000)~~ but less than ~~one hundred eight thousand (108,000)~~ as well as **one hundred ten thousand (110,000) but less than one hundred fifteen thousand (115,000).**

(2) Each municipality in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) in which the legislative body has adopted this chapter by ordinance.

(b) This chapter also applies to each second class city not in such a county in which the legislative body has adopted this chapter by ordinance.

(c) In addition, in a consolidated city sections 9 through 38 of this chapter apply to the department of public works and the board of public works, subject to IC 36-3-4-23.

SECTION 169. IC 36-9-25-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 3. (a) A department of public sanitation is established as an executive department of the municipality.

(b) The department is under the control of a board of sanitary commissioners, which is composed as follows:

(1) If the department is established under section 1(a) of this chapter, the board consists of not less than three (3) but not more than five (5) commissioners. All of the commissioners shall be appointed by the municipal executive, unless one (1) commissioner is the municipal engineer. Not more than two (2) of the commissioners may be of the same political party, unless the board consists of five (5) commissioners, in which case not more than three (3) may be of the same political party.

(2) Notwithstanding subdivision (1), if the department is established under section 1(a) of this chapter and the district contains at least one (1) city having a population of less than one hundred thousand (100,000) and at least one (1) town, the board consists of one (1) commissioner from each municipality in the district. The executive of each of those municipalities shall appoint one (1) commissioner. If after all appointments are made the board has fewer than five (5) commissioners, the executive of the municipality with the largest population shall appoint the number of additional commissioners needed to bring the total to five (5). Not more than three (3) of the commissioners may be of the same political party.



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(3) If the department is established under section 1(b) of this chapter, the board consists of three (3) commissioners. Two (2) commissioners shall be appointed by the city executive and one (1) commissioner is the city civil engineer. However, if the department is located in a county having a population of:

(A) more than ~~one hundred thousand (100,000)~~ but less than ~~one hundred seven thousand (107,000)~~; **one hundred five thousand (105,000) but less than one hundred ten thousand (110,000);**

(B) more than ~~one hundred seven thousand (107,000)~~ but less than ~~one hundred eight thousand (108,000)~~; **one hundred ten thousand (110,000) but less than one hundred fifteen thousand (115,000);**

(C) more than ~~one hundred twenty-nine thousand (129,000)~~ but less than ~~one hundred thirty thousand six hundred (130,600)~~; **one hundred forty-eight thousand (148,000) but less than one hundred seventy thousand (170,000);** or

(D) more than ~~one hundred thirty thousand six hundred (130,600)~~ but less than ~~one hundred fifty thousand (150,000)~~; **one hundred thirty thousand (130,000) but less than one hundred forty-five thousand (145,000);**

and the city does not have a city civil engineer, the third commissioner shall also be appointed by the executive. The third commissioner, however, must be a licensed engineer with at least five (5) years experience in civil or sanitary engineering. In addition, in such a city the commissioners may not hold another public office. Not more than two (2) of the commissioners may be of the same political party.

(c) Before beginning the commissioner's duties, each commissioner shall take and subscribe the usual oath of office. The oath shall be endorsed upon the certificate of appointment and filed with the municipal clerk.

(d) Each commissioner shall also execute a bond in the penal sum of five thousand dollars (\$5,000) payable to the state and conditioned upon the faithful performance of the commissioner's duties and the faithful accounting for all money and property that comes under the commissioner's control. The bond must be approved by the municipal executive.

(e) The appointed commissioners are entitled to a salary of not less than three thousand six hundred dollars (\$3,600) a year during actual construction and not less than six hundred dollars (\$600) a year in other years.



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(f) Notwithstanding IC 36-1-8-10, whenever this section requires that the membership of the board of sanitary commissioners not exceed a stated number of members from the same political party, at the time of appointment the appointee must:

- (1) have voted in the two (2) most recent primary elections held by the party with which the appointee claims affiliation; or
- (2) if the appointee did not vote in the two (2) most recent primary elections or only voted in one (1) of those elections, be certified as a member of the party with which the appointee claims affiliation by that party's county chairman for the county in which the appointee resides.

SECTION 170. IC 36-9-25-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 8. (a) This section applies to cities in a county having a population of more than ~~one hundred thirty thousand six hundred (130,600)~~ but less than ~~one hundred fifty thousand (150,000)~~: **one hundred thirty thousand (130,000) but less than one hundred forty-five thousand (145,000).**

(b) The ordinance adopting this chapter must specify the purpose or purposes for which the district is established, which must be one (1) or more of the following:

- (1) To provide for the collection, treatment, and disposal of sanitary sewage and other water-carried wastes of the district.
- (2) To provide for the drainage of storm and surface water to relieve sanitary sewers of that water.
- (3) To reduce the pollution of watercourses in the district.
- (4) To provide for the collection and disposal of trash, garbage, and solid waste.

If not all of these purposes are listed in the ordinance, one (1) or more of the remaining purposes may, by subsequent ordinance, be added to the purposes of the district.

(c) After adoption of the ordinance, three (3) interim members of the board shall be appointed for terms until the January 1 following the adoption. On the January 1 following the adoption, members shall be appointed as provided in sections 3 and 4 of this chapter.

(d) Bonds of the district may not be sold without the prior approval of the city legislative body. In addition, the legislative body must approve all budgets and tax levies of the district.

SECTION 171. IC 36-9-30-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 21. (a) Except as provided in subsection (l), the fiscal body of the unit owning, operating, and maintaining facilities for the collection or disposal of solid waste may, by ordinance, establish and maintain just and equitable fees for

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the use of and the service rendered by the facilities.

(b) Except as provided in subsection (m), if the fiscal body of a unit has authorized the issuance of revenue bonds under this chapter, it shall, as long as the bonds are outstanding, establish and maintain fees with respect to the facilities for which the bonds are issued.

(c) The aggregate amount of the required fees must be sufficient to pay the cost of operation, repair, depreciation, and maintenance of the facilities, and to pay the sums required to be paid into the bond fund under this chapter.

(d) The ordinance may provide that the fees are payable:

- (1) by either the users of the facilities, the owners of the property served by the facilities, or the unit; or
- (2) by the users, owners, and the unit in the proportions fixed by the ordinance.

(e) Revenues collected under this section are considered revenues of the facilities.

(f) The fees may not be established until after a public hearing at which the users of the facilities, the owners of property served or to be served by the facilities, and other interested parties have an opportunity to be heard concerning the proposed fees and the provisions concerning payment of the fees.

(g) After introduction of the ordinance fixing the fees and providing for their payment, and before the ordinance is finally adopted, notice of the hearing, setting forth the proposed schedule of fees and the provisions concerning payment, shall be published in accordance with IC 5-3-1.

(h) After the hearing, which may be adjourned from time to time, the ordinance, as originally introduced or as amended, shall be passed and put into effect. A copy of the schedule of fees established shall be kept on file in the office of the board and in the office of the fiscal officer of the unit. The fee schedule is a public record.

(i) The fees or the provisions for their payment may be changed or readjusted in the manner by which they were originally established. However, if the change or readjustment is made substantially pro rata as to all classes of use or service, no hearing or notice is required.

(j) If:

- (1) a user of the facilities; or
- (2) an owner of property served by the facilities;

does not pay a fee within thirty (30) days after it is due, the amount of the fee, together with a penalty of ten percent (10%) and a reasonable attorney's fee, may be recovered by the unit in a civil action in the name of the unit.

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(k) The unit is subject to the fees established under this chapter. The unit shall pay the fees when due. The payments are considered part of the revenues of the facilities.

(l) This subsection applies to a county having a population of more than ~~forty-four thousand (44,000)~~ but less than ~~forty-five thousand (45,000)~~ **fifty thousand (50,000)** but less than **fifty-five thousand (55,000)**. The county executive owning, operating, and maintaining facilities for the collection or disposal of solid waste may, by ordinance, establish and maintain just and equitable fees for the use of and the service rendered by the facilities.

(m) If the fiscal body of a county that is subject to subsection (l) has authorized the issuance of revenue bonds under this chapter, the county executive shall, as long as the bonds are outstanding, establish and maintain fees with respect to the facilities for which the bonds are issued.

SECTION 172. IC 36-10-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 6. (a) This section applies whenever a district is extended under section 5 of this chapter and such district is not located in a county having a population of more than ~~one hundred sixty thousand (160,000)~~ but less than ~~two hundred thousand (200,000)~~ **one hundred seventy thousand (170,000)** but less than **one hundred eighty thousand (180,000)**.

(b) After the district is extended under section 5 of this chapter, the board consists of five (5) commissioners. Two (2) commissioners shall be appointed by the city executive, two (2) commissioners shall be appointed by the county executive of the county in which the city is located, and one (1) commissioner shall be appointed by a majority vote of the presidents of the school boards of the school corporations in the county in which the city is located. The commissioners appointed by the county executive must be residents of the area of the district outside the corporate boundaries of the city. The commissioners appointed by the county executive may not be members of the same political party, and the commissioners appointed by the city executive may not be of the same political party.

(c) A commissioner of an extended district may hold office for an unlimited number of terms.

(d) After the initial terms have expired, all of the commissioners after the extension of the district shall be appointed for terms of four (4) years, beginning on January 1. The terms of office of the three (3) commissioners in office at the time of the extension terminate January 1, and the terms of office of the new commissioners begin January 1. The city executive shall appoint one (1) commissioner for an initial

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term of two (2) years and one (1) for an initial term of four (4) years. The county executive shall appoint two (2) commissioners, one (1) commissioner for an initial term of two (2) years and the other commissioner for an initial term of four (4) years. The presidents of the school boards shall appoint one (1) commissioner for an initial term of four (4) years.

(e) A vacancy in the office of a commissioner shall be filled for the remainder of the term by the appointing authority.

SECTION 173. IC 36-10-4-6.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 6.1. (a) This section applies whenever a district is extended under section 5 of this chapter and such district is located in a county having a population of more than ~~one hundred sixty thousand (160,000) but less than two hundred thousand (200,000):~~ **one hundred seventy thousand (170,000) but less than one hundred eighty thousand (180,000).**

(b) After the district is extended under section 5 of this chapter, the board consists of five (5) commissioners. Three (3) commissioners shall be appointed by the city executive, and two (2) commissioners shall be appointed by the county executive of the county in which the city is located. The commissioners appointed by the county executive must be residents of the areas of the district outside the corporate boundaries of the city. No more than two (2) of the three (3) commissioners appointed by the city executive may be members of the same political party, and the commissioners appointed by the county executive may not be of the same political party.

(c) A commissioner of an extended district may hold office for an unlimited number of terms.

(d) All commissioners after the extension of the district shall be appointed for terms of four (4) years, beginning on January 1. The three (3) commissioners whose terms of office have not expired continue in office and are considered appointees of the city executive until the expiration of the four (4) year terms for which they each were originally appointed. The county executive shall appoint two (2) commissioners, one for a term of two (2) years and the other for a term of four (4) years. As the term of each commissioner expires, a new commissioner shall be appointed for a term of four (4) years so that at all times the board consists of three (3) commissioners appointed by the city executive and two (2) commissioners appointed by the county executive.

(e) A vacancy in the office of a commissioner shall be filled for the remainder of the term by the appointing authority.

SECTION 174. IC 36-10-5-5 IS AMENDED TO READ AS



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FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 5. (a) This section applies to a municipality that:

- (1) has a population of more than twenty-five thousand (25,000); and
- (2) is located in a county having a population of more than ~~one hundred eight thousand (108,000)~~ but less than ~~one hundred eight thousand nine hundred fifty (108,950)~~ **one hundred eighty thousand (180,000) but less than one hundred eighty-two thousand seven hundred ninety (182,790).**

(b) A municipal board consists of four (4) members appointed by the executive of the municipality. A member shall be appointed on the basis of the member's interest in and knowledge of parks and recreation. The members may include the executive of the municipality and one (1) or more members of the municipal fiscal body. The ordinance creating a municipal board governed by this section may provide for one (1) or two (2) ex officio members.

SECTION 175. IC 36-10-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 5. (a) This section applies to a township having a population of more than one hundred fifty thousand (150,000) ~~but less than two hundred four thousand (204,000)~~, that is located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(b) The township executive may purchase, accept by grant, devise, bequest, or other conveyance, or otherwise acquire land for park purposes within the township, either inside or outside the corporate boundaries of a municipality, and may make necessary improvements.

(c) If the executive does not purchase, accept, or acquire land within the township for park purposes or make necessary improvements, two hundred (200) resident taxpayers and voters of the township may petition the executive and the legislative body in writing to:

- (1) purchase, accept, or otherwise acquire the land described in the petition so that a township park may be established under this section; or
- (2) make the improvements designated in the petition.

The petition must be addressed to the executive and legislative body and bear the signatures and addresses of the petitioners in ink, acknowledged before a notary public. After the petition is filed in the office of the executive, the executive shall have notice of the filing published in accordance with IC 5-3-1. The notice must name a date at least sixty (60) days after the date of the last publication on which the executive and legislative body will hear and consider the petition. The

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notice constitutes notice of the proceedings to all taxpayers within the township, whether resident or nonresident.

(d) At the hearing the executive and legislative body shall hear and consider all remonstrances, whether written and signed in ink or from a resident of the township upon the question of whether the land should be purchased, accepted, or acquired by the township and a township park established, maintained, and improved. After the hearing, the executive and legislative body shall approve the petition unless twenty percent (20%) of the resident taxpayers of the township remonstrate in writing by filing their remonstrance on or before the day fixed for the hearing. In that case the executive and legislative body shall dismiss the petition.

(e) If land has been acquired for park purposes, the executive shall establish a park. After it is established, the executive shall provide for necessary improvements and construct facilities for the comfort and convenience of the public in the township park. Except as otherwise provided, all expenses incurred shall be paid out of the park and recreation fund of the township.

(f) If a park or parkland is acquired by a township under this section and the expense of the acquisition or of the development and improvement of the park is too great to be borne by the park and recreation fund of the township, the legislative body may authorize its chairman to issue the bonds of the township to procure money for these purposes. However, the total bonded indebtedness of the township for park purposes may not exceed one million dollars (\$1,000,000). Upon special notice of the chairman in writing to each member of the legislative body stating the time, place, and purpose of the meeting, the legislative body may determine whether to issue the bonds of the township to pay the cost of acquiring, developing, or improving the park or parkland. If the legislative body determines that it is of public benefit to issue the bonds of the township, the legislative body, by a special order entered and signed upon the record, may authorize its chairman to issue the bonds of the township. The bonds may run for a period not to exceed ten (10) years, may bear interest at any rate, and may be sold for not less than their par value. Before issuing the bonds, the chairman shall publish notice of their sale in accordance with IC 5-3-1. The notice must state the amount of bonds offered, the denomination, the period to run, the rate of interest, and the date, place, and hour of sale. The legislative body shall attend the sale and must concur before bonds are sold.

(g) The legislative body shall annually levy a sufficient tax to pay at least one-tenth (1/10) of the amount of the bonds, together with the

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accrued interest, each year, and the legislative body shall apply the annual tax to the payment of the bonds and interest each year. The tax levy is in addition to all other tax levies authorized by statute. A tax levy authorized by this section shall be levied and collected on all property within the boundaries of the township, including municipalities.

(h) There is established a special nonreverting operating fund for park purposes to be known as the park and recreation fund. Appropriations may be made from the fund by the township's legislative body for park purposes only. The cost of the maintenance and improvement of the park shall be paid out of the park and recreation fund of the township, and the legislative body shall increase the levy of the fund each year by an amount sufficient to provide the money to maintain the park.

(i) Money in the form of fees procured from golf courses, swimming pools, skating rinks, clubhouses, social centers, or other similar facilities requiring major expenditures for maintenance and improvement shall be deposited in the park and recreation fund and shall be appropriated by the township legislative body either in the annual budget or by additional appropriation in the manner as set out in IC 6-1.1-18-5.

(j) The executive shall appoint a superintendent of parks. Said appointment shall be made within thirty (30) days of a vacancy in the position of superintendent of parks. If the executive fails to make said appointment within the prescribed period, the legislative body shall have the power to make said appointment. Political affiliation may not be considered in the selection of the superintendent. The superintendent must:

- (1) be qualified by training or experience in the field of parks and recreation; and
- (2) have a certificate or an advanced degree in the field of parks and recreation.

(k) The superintendent must do the following:

- (1) Propose annually to the executive a plan for the operation of the park.
- (2) Administer the plan as approved by the executive.
- (3) Supervise the general maintenance of the park.
- (4) Keep the records of the park and preserve all papers and documents of the park.
- (5) Keep accurate records of park income and expenditures in the manner prescribed by the state board of accounts.
- (6) Appoint and discharge employees of the park without regard

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to political affiliation.

(7) Prepare and present to the executive an annual report.

(8) Perform other duties that the executive directs.

(l) The executive shall execute an employment contract with the superintendent that must contain the terms and conditions of the superintendent's employment.

SECTION 176. IC 36-10-7-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 9. (a) This section applies to the township having the largest population in a county having a population of:

(1) more than ~~seventy-three thousand (73,000) but less than seventy-five thousand (75,000);~~ **seventy-three thousand (73,000) but less than seventy-four thousand (74,000);** or

(2) more than ~~one hundred eight thousand (108,000) but less than one hundred eight thousand nine hundred fifty (108,950);~~ **one hundred eighty thousand (180,000) but less than one hundred eighty-two thousand seven hundred ninety (182,790).**

(b) Notwithstanding IC 36-10-7.5-5, the department of parks and recreation of a township described in subsection (a) consists of four (4) members appointed by the township executive on the basis of the members' interest in and knowledge of parks and recreation. The members of a board governed by this section may include any of the following:

(1) The township executive.

(2) One (1) or more members of the township board.

(3) Any other persons residing in the township.

SECTION 177. IC 36-10-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2002]: Sec. 1. This chapter applies to a city having a population of more than ~~one hundred ten thousand (110,000) but less than one hundred twenty thousand (120,000);~~ **ninety thousand (90,000) but less than one hundred five thousand (105,000).**

SECTION 178. IC 1-1-3.5-6 IS REPEALED [EFFECTIVE APRIL 1, 2002].

SECTION 179. P.L.178-2001, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: (a) The initial school year budget **that is:**

(1) adopted by a school corporation ~~located in a city having a population of more than ninety thousand (90,000) but less than one hundred thousand (100,000)~~ **under to which IC 6-1.1-17-5.6,** as added by this act, **applies;** and

(2) fixed by the state board of tax commissioners under this act;



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is for the period beginning July 1, 2002, through June 30, 2003. The first six (6) months of the initial budget for the school corporation must be consistent with the last six (6) months of the budget fixed by the state board of tax commissioners for calendar year 2002 under the procedures effective in 2001.

(b) This SECTION expires July 1, 2003.

SECTION 180. [EFFECTIVE APRIL 1, 2002] (a) **Notwithstanding IC 12-28-5-12(b), a supervised group living facility described in IC 12-28-5-12(c) may locate in only one (1) of the following counties:**

(1) A county having a population of more than twenty-seven thousand (27,000) but less than twenty-seven thousand two hundred (27,200).

(2) A county having a population of more than one hundred seventy thousand (170,000) but less than one hundred eighty thousand (180,000).

(3) A county having a population of more than fifty thousand (50,000) but less than fifty-five thousand (55,000).

(b) This SECTION expires July 1, 2002.

SECTION 181. [EFFECTIVE JANUARY 1, 2002 (RETROACTIVE)] (a) **As used in this SECTION, "board" refers to a board, a commission, a committee, a council, or another body established by a statute that requires the membership to be appointed so that at least one (1) member represents each congressional district in Indiana.**

(b) Notwithstanding any other law, if the membership of a board is such that at least one (1) board member represents each congressional district of Indiana in effect before the 2002 congressional elections, then both of the following apply:

(1) After December 31, 2001, the membership of the board is considered to comply with the requirement that each congressional district of Indiana is represented by at least one (1) board member.

(2) Each board member may serve on the board until the member's term of office otherwise would have expired.

(c) The appointing authority of a board's members shall fill vacancies in the board's membership that occur after June 30, 2002, so that the board's membership reflects, to the extent possible, the congressional districts in effect beginning with the 2002 congressional elections.

(d) This SECTION expires July 1, 2006.

SECTION 182. [EFFECTIVE MARCH 1, 2002 (RETROACTIVE)]



(a) As used in this SECTION, "noncode statute" has the meaning set forth in IC 1-1-4-5, as amended by this act.

(b) Notwithstanding any other bill enacted during the 2002 regular session of the Indiana general assembly, this SECTION applies to each SECTION of each bill enacted during the 2002 regular session of the Indiana general assembly that satisfies all the following:

- (1) The SECTION amends a noncode statute or a provision of the Indiana Code.
- (2) The SECTION takes effect before April 1, 2002.
- (3) The SECTION contains an amendment to a population parameter.

(c) The amendment to a population parameter in a SECTION described in subsection (b) takes effect April 1, 2002, and the amendment to other provisions in a SECTION described in subsection (b) take effect as otherwise provided in the bill described in subsection (b).

SECTION 183. [EFFECTIVE JANUARY 1, 2002 (RETROACTIVE)] (a) As used in this SECTION, "noncode statute" has the meaning set forth in IC 1-1-4-5, as amended by this act.

(b) Notwithstanding any other bill enacted during the 2002 regular session of the Indiana general assembly, this SECTION applies to each SECTION of each bill enacted during the 2002 regular session of the Indiana general assembly that satisfies all the following:

- (1) The SECTION enacts a noncode statute or a new provision of the Indiana Code.
- (2) The SECTION takes effect before April 1, 2002.
- (3) The SECTION contains a population parameter.

(c) Notwithstanding IC 1-1-3.5-3, as amended by this act, a population parameter in a SECTION described in subsection (b) refers to the population of the described political subdivisions as tabulated following the 2000 Decennial Census and delivered to the state by the United States Secretary of Commerce under 13 U.S.C. 141 and received by the governor during 2001.

SECTION 184. An emergency is declared for this act.

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President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Approved: _____

Governor of the State of Indiana

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